Collection of

charters and

Statutes relating to

East India company

1817

Part I

INDEX

TO THE

CHARTERS AND STATUTES

RELATING TO THE

EAST INDIA COMPANY.

தமிழ்நாடு அரசுக் காப்பகம்

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A

COLLECTION

OF

CHARTERS AND STATUTES

RELATING TO

THE EAST-INDIA COMPANY,

&c. &c.

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AN APPENDIX,

CONTAINING

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WHICH IN GENERAL DO NOT SOLELY RELATE TO THE EAST INDIA COMPANY;

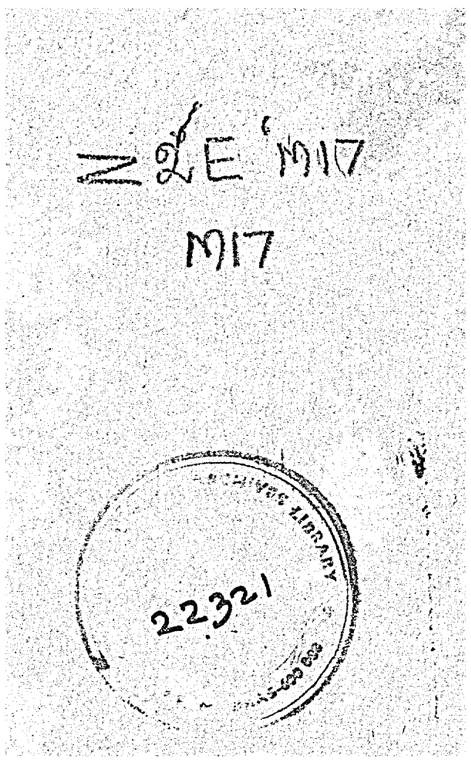
TOGETHER WITH

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FOR THE USE OF THE EAST INDIA COMPANY.

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1817.

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AN ABSTRACT
OF
CHARTERS
GRANTED TO
THE EAST INDIA COMPANY.

TO THE FIRST EAST INDIA COMPANY.

The First Charter for Erecting an East India *Company, dated* 31*st December,* 1600.

An Abstract of the First Charter.

ON the last Day of the Year 1600, being in the 43d Year of the Reign of Queen *Elizabeth*, was issued the first Royal Charter for erecting an *East India* Company. By this Charter the Queen, (upon the Petition of the Earl of *Cumberland*, and Two hundred and fifteen other Persons, amongst whom were several Knights and Aldermen of *London*, praying the Queen's Licence to adventure and set forth one or more Voyages, by way of Traffic and Merchandize, to the *East Indies*, in the Countries and Parts of *Asia*, and *Africa*, and to the Islands thereabouts; divers of which Countries and Islands had been long since discovered, though not frequented in Trade of Merchandize;) incorporated the said Earl, and other Persons, by the name of "The Governor "and Company of Merchants of *London* trading into the *East Indies*."—To be one Body politic and corporate; to have Succession; to purchase Lands [without any Limitation]; to have one Governor, and Twenty-four Persons, to be elected annually, who shall be called *Committees*, and shall jointly have the Direction of the Voyages, the Provision of the Shipping and Merchandize, also the Sale of the Merchandize, and the Management of all other Things belonging to the said Company.—Sir *Thomas Smith*, Alderman of *London*, was to be the first Governor; a Deputy Governor to be elected in a general Court; both the Governors and all the Committees to take an Oath of fidelity.—Also every Member to take an Oath, before he be admitted to traffic as a Freeman of the Company.—The Company, their Sons, (at twenty-one Years of Age), their Apprentices, Servants, and Factors in *India*, or elsewhere, may, for Fifteen Years from *Christmas* last, freely and solely Trade, by such Ways and Passages as are already found out, or which shall hereafter be discovered, "into the Countries and Parts of *Asia* and *Africa*, and into and from "all the Islands, Ports, Towns, and Places of *Asia*, *Africa*, and *America*, or any of them, beyond "the Cape of *Bona Esperanza*, to the *Streights of Magellan*, where any Traffic of Merchandize "may be used, and to and from every of them;" in such Manner as shall, from Time to Time, be limited and agreed on at any public Assembly or general Court of the Company; any Statute, Usage, Diversity of Religion or Faith, or any other Matter, to the contrary notwithstanding; so as it be not to any country already possessed by any Christian Potentate in amity with Her Majesty, who shall declare the same to be against his or her good Liking.—Either the Governor or Deputy Governor must always be one in general Assemblies: In those Assemblies they may make all reasonable Constitutions, &c. agreeable to the Laws of *England*, for their good Government, by plurality of Voices; and may punish, by Fines and Imprisonment, any Offenders against such Laws. — The Queen grants to the Company an exemption from paying any Customs upon *Exports* for the first four Voyages;—and for Customs which shall be payable for *Imports* from *India*, the Company shall be allowed to give their Bonds, payable one half in Six Months, and the other half in Six Months after.—For Merchandize lost at sea, outward bound, the Customs shall be allowed to the Company out of the next Cargo shipped off.—*Indian* Merchandize that shall have paid the Customs, may, until the end of Thirteen Months, be re-exported by any

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Licence for exporting Coin and Bullion. The Condition. What Ships and Men may be sent to India. None but the Company to trade or go to India without Licence. The Penalties.

Subjects, without paying farther Customs.—The Company may export, in their first Voyage now preparing, Thirty thousand Pounds in foreign Coin or Bullion, so as at least Six thousand Pounds thereof be first coined in the Queen's Mint, and the like for the subsequent Voyages, provided the Company first import at least so much foreign Coin or Bullion, in Gold or Silver, into this Realm, of which Six thousand Pounds shall be coined as aforesaid. The Company may send yearly to the *East Indies* Six good Ships, and Six Pinnances, with Five hundred Mariners, unless the Navy-royal goes forth.—None of the Queen's Subjects, but the Company, their Servants, or Assigns, shall resort to *India* without being licenced by the Company, upon Pain of forfeiting Ships and Cargoes, with Imprisonment, till the Offenders give One thousand Pound Bond to the Company not to trade thither again.—Nevertheless, for the Encouragement of Merchant-strangers and others to bring Commodities into the Realm, the Queen gives power to the Company to grant Licences to trade to the *East Indies*; and She promises not to grant Leave to any others to trade thither during the Company's Term, without their Consent. The Majority of any general Meeting of the Company may admit Apprentices, Servants, Factors, &c. to the Fellowship or Freedom of the Company.—The Silver to be exported shall only be shipped at the Ports of *London*, *Dartmouth*, and *Plymouth*, and shall be duly entered by the Custom-house Officers, without paying any Custom for the same.—Gold and Silver imported shall be entered before the landing thereof. With proviso, That in Case this Charter shall hereafter appear not to be profitable to the Crown and Realm, then, upon Two Years Notice to the Company, the Charter shall cease and determine; but if profitable, then the Queen promises, at the End of the said fifteen Years, upon the Company's Suit, to grant them a new Charter for Fifteen Years longer.

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Second Charter, dated 31*st* May, 1609.

The Abstract.

KING *James* the First granted to the former Members of the Company a new Charter, (the Earls of *Salisbury*, (High Treasurer), *Nottingham*, (High Admiral), and *Worcester*, (Master of the Horse), *William* Lord *Cavendish*, and eleven Knights, standing at the Head of the List, whereby they were again incorporated by their former Name, with Perpetual Succession, and invested with the sole exclusive Trade within the Limits described in their former Charter, for ever. But with Power reserved to the Crown to resume the Charter on Three Years Warning, if its Continuance should not be profitable to the Crown or the Realm.

The Company incorporated in Perpetuity. Power for the Crown to resume on Three Years Warning. The former Constitution preserved intire.

The Charter contains a Repetition in the General of the Powers and Privileges granted by the Former, with some additional ones, relating chiefly to the Payment of the Customs, and the better securing the exclusive Trade from Invasion by Interlopers. But the former Constitution of the Company, and the Modes prescribed by their former Charter for the Management and carrying on their Trade, are preserved intire.

Third Charter, dated 3*d* April, 1661.

Recital of Disorders by Interlopers.

THE Preamble to this Charter states, that divers Disorders and Inconveniencies had been committed by the King's Subjects and by Foreigners, to the great Prejudice of the Company and Interruption of their Trade, whereupon the Company had besought the King to confirm their Charters granted them by Queen *Elizabeth* and King *James*. The King accordingly grants, ratifies, and confirms unto the Governor and Company, that they shall be a body corporate and politic, by their former Name, with perpetual Succession for ever. And the Charter then proceeds, like that of King *James*, to the Nomination of the First Governor, Deputy Governor, and Twenty-four Committees, with Instructions for their annual Election, and grants to the Company the following Powers, in addition to those given them by their last Charter, *(viz.)*

The Company again incorporated by their former Name. A Governor, a Deputy Governor, and Twenty-four Committees.

That the Commissioners of Customs shall permit no Entry of *India* Goods, but such as shall be allowed of by the Governor and Company, under their Seal, or under the Hand of the Company's Officer, to be by them appointed to sit at the Custom House for that Purpose.

No Entry at Customs but by the Company's Allowance.

That

That every Member shall have a Vote in the General Court, at all Elections and Bye-laws, for each Five hundred Pounds Stock which he shall possess; and that Persons may unite smaller Sums to make up that Amount, and vote jointly for the same.

Qualification of Voters.

That all Plantations, Forts, &c. where the Company's Factories are or shall be established, shall be under their own Command and Controul, with the Appointment of Governors and Officers to govern the same; and that such Governor and his Council may exercise civil and criminal Jurisdiction in the said Factories, &c. according to the Laws of *England*; and if the Offence shall be committed in a Place where it cannot be tried, the Offender may be sent to such other Plantation or Fort where there is a Governor and Council to try him, that Justice may be done.

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That the Company may export warlike Stores, make Peace and War with Princes and People in the Limits of their Trade (not being Christians), and to recompense themselves for Wrongs and Damages sustained at their Settlements.

May export Warlike Stores, and make War and Peace.

That they may fortify *St. Helena*, and any other Places within their Limits of Trade, and supply their Forts and Settlements with Cloathing, Victuals, Ammunition, and Implements, free from Custom or Duty, and transport thither such Men as shall be willing to go; may govern them in a legal and reasonable Manner, and inflict Punishments for Misdemeanors, or impose Fines for Breach of Orders.

May fortify St. Helena, and other Settlements.

That they may seize upon all *Englishmen* and other Persons in the *East Indies*, sailing in any *Indian* or *English* Vessel, or inhabiting those Parts without the Company's Licence, or that shall disobey their Orders, and send them home to *England*.

May seize Interlopers.

That the King's Subjects, employed by the Company in the Limits aforesaid, shall suffer such Punishment for Offences there committed as the Company's President and Council shall think fit, and the quality of the Offences require; and in case of Appeal, the Offender shall be sent home for Punishment. And for the better Discovery of Offenders, all Persons may be examined on Oath before the Company's President and Council, touching the same.

Powers of Presidents and Councils.

The Company is restricted from trading in the Dominions of any Christian Prince or State in Amity with the Crown of *England*, who shall overtly declare it to be against his will or good liking.

Company not to trade in Dominions of Christian States against their will.

With proviso, that if the Continuance of this Charter shall not be profitable to the Crown and the Realm, the King may resume it on Three Years Notice.

Charter may be resumed on Three Years Warning.

Grant to the First East India *Company, of the Island of* Bombay, *dated* 27*th* March 1669.

The Abstract.

THE King of *Portugal*, having, in 1661, ceded the Port and Island of *Bombay* to the Crown of *England*, the King, by this Charter grants and conveys the said Port and Island, with all the Rights, Profits, Territories, and Appurtenances thereof, and all Royalties, Revenues, Rents, Customs, Castles, Forts, Buildings, and Fortifications, Privileges, Franchises, Pre-eminences, and Hereditaments thereto belonging, in as ample Manner as it came to the Crown by the Grant of the King of *Portugal*, and not further or otherwise, the King thereby creating and constituting the Company to be the true and absolute Lords and Proprietors of the said Port and Island, and other the Premises. Saving always, the Faith and Allegiance to the Crown of *England* due and belonging, and the Royal Power and Sovereignty over its Subjects and Inhabitants there. The same Port, Island, and Premises, to be held to the Company, and their Successors of the Crown of *England*, as of the Manor of *East Greenwich*, in Perpetuity, and in free and common Soccage, at a Fee-farm Rent of Ten Pounds, payable on the 30th of *September*, yearly, at the Custom House.

To be held in as ample Manner as it came to the Crown.

Saving Allegiance.

To be held in Soccage, at Ten Pounds per Annum Rent.

The Inhabitants are to be permitted to remain in the quiet Enjoyment of their Privileges, and the free Exercise of the Roman Catholic Religion.

Privileges of Inhabitants reserved.

The Company are not to alienate any Part of the Island, excepting to Subjects of the Crown of *England*.

Company not to alienate, except to the King's Subjects.

The general Court of Proprietors, or the Governor and Committees, are impowered to make and publish, under the Company's Seal, Laws and Constitutions for the good Government of the Island and its Inhabitants, and the Use of the Port, and to impose Punishments and Penalties, extending to the taking away Life or Member, when the Quality of the Offence shall require it, so that the Punishment and Penalties are consonant to Reason, and not repugnant to, but as near as may be agreeable to the Laws of *England*, and subject to the Provisoes and Restrictions contained in the Charter.

The Company to make Laws for the Government of the Island;

The

Appoint and recal Governors and other Officers.

The Governor and Company, or the Governor and Committees, are also impowered to appoint Governors and other Agents for the said Island, and to recall and change them at Pleasure; and the Persons so appointed are invested with a Power of ruling, correcting, and punishing His Majesty's Subjects in the said Island, according to Justice, by Courts, Sessions, and other Forms of Judicature, like those established in *England*, by such Judges and Officers as shall be delegated for that Purpose, and in general to have the Command over all Persons in the Island, and to repel and expel by force of Arms, all attempts of Invasion and Annoyance, and generally to exercise all other Authorities appertaining to the Captain General of His Majesty's Army;

Courts of Justice to be established.

To repel Invasions, and exercise martial Law.

Governor, &c. may administer Oaths.

The Governor and Committees may administer Oaths to the Persons intrusted with the Government of the said Island, and all other Agents sent thither, and the like Power of administering Oaths to Persons residing in the Island is given to the Governor thereof for the Time being; and it is declared that all Persons, being His Majesty's Subjects, inhabiting within the said Island, and their Children, and their Posterity, born within the Limits thereof, shall be deemed free Denizens, and natural Subjects, as if living and born in *England*; and that the Governor and Company, and their Agents, shall have the same Powers in the said Island as in their other Plantations within the Limits of their Trade; and that they shall also exercise and enjoy the several Powers specifically granted by this Charter, in all other Ports, Islands, Territories, and Places, which they shall purchase or acquire within the Limits of their Charters, and that the Charter shall be construed in the most favourable Sense for their Benefit.

King's Subjects and Posterity, to be deemed natural born Subjects.

The Powers granted for the Island extended to other Settlements.

The Grant to be construed in the most favourable Sense.

Grant of the Island of St. Helena, *dated* 16*th* December, 1674.

The Abstract.

AFTER the Governor and Company had, under the Authority of their Charter of 1661, erected Forts, and made Plantations at *St. Helena*, that Island was captured by the *Dutch*, and re-taken by the King's Ships and Forces. The King, by this Grant, re-granted and confirmed the same to the said Governor and Company in Perpetuity, to be held in Soccage Tenure, as of the Manor of *East Greenwich*, with the same Powers and Privileges, for the Safety and Protection thereof, and for the Government of the Inhabitants, and with the like Declarations in Favour of the Company and Inhabitants, as were contained in the Grant of *Bombay*; and with this further Privilege, that the Company be permitted to export to the said Island all Kind of Cloathing, Provisions, or Victuals, Ammunition, Ordnance, and *Supplements*, without Payment of Custom, Subsidy, or other Duty; and also to transport thither such Numbers of Men, willing to go, as the Company shall think fit.

Necessaries may be shipped to St. Helena, free from Duty.

Recruits may also be sent thither.

Fourth Charter, being a Confirmation of Privileges, and a Release of Debts and Demands, dated 5*th* October, 1677.

The Inducements for this Grant stated.

IN and before the year 1677, great Clamours had been raised on Account of the Company's exclusive Privileges of Trade, and many Opinions were promulgated through the Realm, that their Charters were become forfeited and void by Misuser and Abuser; Doubts had also been suggested, whether the Company were not liable to account to the Crown for Monies arising by Penalties levied in the *East Indies*, and by Seizures of forfeited Goods, and by Damages and Compositions recovered from their Servants for Breach of Contracts: the King, by this Grant, confirmed to the Company for ever, all their Rights, Liberties, and Franchises, granted by their former Charters, notwithstanding any Misuser, Nonuser, or Abuser; and granted to them the Benefit of all Damages they should recover from their Servants, or Ship Owners, for Breach of Covenant, and gave a general Pardon to the Company, and their Servants, of all Debts and Demands (except Customs and Subsidies which accrued since *September*, 1676), and directed that all Prosecutions depending in respect thereof, should be surceased and withdrawn.—By this Grant the Governor and Company were also authorized to coin Money at *Bombay*, and in all other Places in the *East Indies* mentioned in any of the King's Charters, so that any of such Coins be not called by the Name of any Coin current in the King's Dominions, except in the *East Indies*.

Confirmation of former Privileges.

Grant of Damages recovered for breach of Covenants,

and of all Debts to the Crown, except Customs.

Power to Coin Money in India.

Fifth Charter, dated 9*th* August, 1683.

Company may seize the Ships and Goods of illicit Traders.

FOR the more effectually preventing and punishing Interlopers residing at or trading to the *East Indies* without Licence, the King, by this Charter, impowers the Company, their Factors, &c. to seize all Ships and Goods brought from or carried to any Place within the Limits of the Company's exclusive Trade, granting to the Company one Moiety of the Forfeitures, and reserving the other Moiety to the Crown.

They shall have the Government of their Forts, &c.

May make Peace and War, muster Forces and exercise Law Martial.

The King reserves his Sovereignty.

Company may erect Courts of Judicature; And enjoy the same Privileges in London as other chartered Companies.

Also that the Governor and Company shall have the Rule and Government of all Forts, Factories, and Plantations, already or thereafter to be settled by the Company within the Limits aforesaid, with the Power of making and declaring Peace and War with the Heathen Nations, and the Appointment of Governors, &c. which Governors, &c. may muster Forces and execute Martial Law in *India*; the King nevertheless reserving the Sovereign Right over the said Forts, &c. and Power of making Peace and War when he shall think fit to interpose His Royal Authority.

Also a Power to the Company to erect Courts of Judicature in any of their Settlements, and to appoint Judges thereof, who are to determine according to Equity and good Conscience, and the Laws and Customs of Merchants, &c.

And lastly, the King grants that the Company shall enjoy all Privileges in the City of *London*, in as large a Manner as may be enjoyed by any Company of Merchants erected by Charter.

Sixth Charter, dated 12*th* April, 1686.

Inducements for the Charter.

THE Interlopers in *India* having become very numerous and created great Disturbances there, and by setting themselves up as the true Company, incited the Mogul's People to make War on the Company in *Bengal* to their great Detriment, and the hazard of being deprived of their Privileges of Trade granted them by the Country Powers, a Ship of War was dispatched to *India*, with the King's Proclamation, injoining all his Subjects in *India* to repair to the Company's Forts and Factories, and to submit to their Jurisdiction, with Orders to seize all Interlopers; and for enlarging and corroborating the Company's Authorities, the King granted them this new Charter, whereby he ratifies all the preceding Charters for ever in their fullest Extent, notwithstanding any Nonuser, Misuser, or Abuser: And further Grants to the Company, and their respective Presidents, Agents, Chiefs, and Councils in *India*, or to any Three of them, (whereof such President, Agent, or Chief, to be One) Power to administer to all Persons employed by the Company, the Oath taken by the Freemen of the Company, and such other lawful Oaths as the Court of Directors should prescribe: Also a Power to exercise Martial Law at *Saint Helena*, and the Company's Fort of *Pryaman* on the West Coast of *Sumatra*, as well as in all their other Limits. And the King's Majesty having been given to understand that many of the native Princes and Governors of *India*, &c. taking opportunity of the Divisions, Distractions, or Rebellions amongst the *English*, occasioned by the late licentious trading of Interlopers, have of late violated many of the Company's Privileges, surprised their Servants, Ships and Goods, besieged their Factories, invaded their Liberties, and by many other Ways, without just Cause, abused their Chiefs and Factors, to the Dishonour of the *English* Nation; for all which the Company intends to demand Satisfaction in a peaceable Way; and if not obtained that Way, to use Force of Arms, wherein they will have Occasion to use their Ships in a warlike Manner. Wherefore the King grants full Power to the Company to appoint Admirals, Vice Admirals, Rear Admirals, Captains, &c. from Time to Time, who may raise and muster Seamen and Soldiers, on board their Ships, as shall be directed by the Company, or by their Captain General in *India*, to whom Authority is granted for seizing all *English* Interlopers, and compelling them to submit, and for taking their Ships and Goods. Also to make War on such *Indian* Princes as may hurt the Company; with Power, in Time of open Hostility with any *Indian* Nation, to exercise, on the other side the *Cape of Good Hope*, Martial Law, as well on board their Ships as on Land. Reserving however Liberty to the King at Pleasure to revoke this Grant of Martial Law in their Ships.

Proclamation published in India against Interlopers.

Former Charters confirmed.

Power of administering Oaths.

Company may enforce Martial Law in their Settlements.

Recital of Insurrections in India.

Intention of the Company to do themselves Justice, either peaceably or by Force of Arms.

Power to appoint Admirals, &c. and muster Seamen and Soldiers; and seize Interlopers, their Ships and Goods, and make War on Indian Princes, and exercise Martial Law in their Ships during the King's Pleasure.

The

Power of coining Money.

The Company may also Coin, in their Forts, any Species of Money usually coined by the Princes of those Countries, so that it be made agreeable to the Standards of those Princes in Weight and Fineness, and so that they do not coin any *European* Money; and it is declared that all such Money so to be coined by them shall be current in any City, Town, Port, or Place, within the Limits of the Company's Charters, but not elsewhere.

Seventh Charter, dated 7th October, 1693.

Cause of Forfeiture of former Charters, and the evil Consequences, stated.

THE Company having made Default in the Payment of a Duty of Five Pounds *per cent.* imposed on their Capital Stock by an Act of the 4th and 5th of *William* and *Mary*, cap. 15. a Doubt arose whether in Strictness of Law their Charters were not become void, under a Proviso contained in the Act. To prevent the Disorders and Inconveniencies which would have befallen the Company, and other Persons concerned and employed in their Commerce, as well at Home as Abroad, if the Crown were to have taken Advantage of the Forfeiture, the King granted to the Company a new Charter of this Date, for restoring them to their former Capacities and Privileges; subject to a Special Proviso, that if they should not accept of, and in all Things conform to such Orders and Constitutions as the King, with the Advice of His Privy Council, should express and direct by any Instrument under the Great Seal, the King should be at Liberty to resume the Charter. And by Two separate Instruments under the Great Seal, dated the 11th of *November*, 1693, and the 28th of *September*, 1694, the King prescribed various Rules and Orders for the Company's Observance; *viz.*

The Company restored to their chartered Rights; conditioned for their submitting to Regulations. Two Charters of Regulations issued.

By the Instrument of 1693, it is ordered, That,

The Heads of the First Charter of Regulations.

1. All Subscribers shall be Members of the Company.
2. Seven hundred and Forty-four thousand Pounds shall be added to the present Capital Stock of the Company by a new Subscription.
3. None shall subscribe above Ten thousand Pounds.
4. In general Courts, One thousand Pounds Stock to give One Vote; and none to have above Ten Votes.
5. Such as shall become Proprietors by Purchase, shall pay Five Pounds for their Freedom; who (as also the new Subscribers) shall take the Oaths appointed by Law, and also the Freeman's Oath.
6. The Governor, or, in his Absence, the Deputy Governor, to have a casting Vote in all Courts.—Each of them to have Four thousand Pounds Stock in their own Right; and each Director or Committee-man, One thousand.
7. No Permission shall be granted for Ships to *India* on a private Account, under the Penalty of forfeiting the Charters.
8. No private Contract is to be made for the Sale of the Company's Goods, Saltpetre sold for the King's Use only excepted; but all to be openly and publicly sold.—And no One Lot (Jewels excepted) to exceed Five hundred Pounds value.
9. The Company shall annually export Goods to *India*, of the Growth and Product of *England*, to the Value of at least One hundred thousand Pounds.
10. The Company shall annually supply the Crown with Five hundred Tons of Saltpetre, at Thirty-eight Pounds Ten Shillings per Ton, in Time of Peace, and Forty-five Pounds in Time of War.
11. All Dividends of the Company's Profits shall for the future be made in Money only.
12. A Book to be kept by the Company, wherein the Value of their Stock shall be entered, and attested upon Oath, and lie open to the view of all Persons concerned; and the like as to Mortgages, Alienations, Transfers, and Assignments.
13. The Joint Stock of the Company shall continue for a Term of Twenty-one Years; and for the Space of One Year before its Expiration, Books shall lie open for new Subscriptions to a new Joint Stock.

And by the second Instrument of Regulations, were made the following Alterations and Explanations:

1. The

Substance of the Second Charter of Regulations.

1. The Company may Licence their own Commanders and Mariners (but none other) to trade on their own private Account, in such Commodities, and to such Value, as a General Court shall direct.
2. To the Intent that the Company's annual Exports of *English* Goods to *India* to the Value of One hundred thousand Pounds, may be proved, a true Account thereof in Writing, signed by the Governor or Deputy, shall be annually laid before the King and Council, attested on the Oaths of the proper Officers: And no Part of such Goods shall be relanded, or carried any where out of the Company's Limits.
3. Neither the Governor, Deputy, nor Committee, shall lend out the Company's Money without the Authority of a General Court.
4. If this and the Two last Charters shall not appear to be profitable to the Crown and Realm, then, after Three Years warning, all the said Three Charters shall be determined and void, and the said Governor and Company shall no longer continue a Corporation.
5. Lastly, The Company shall, by a Writing under their Common Seal, declare their Acceptance of and Submission to this and the said Two last Charters—or, in their Default, they shall no longer act as a Corporation.

Eighth Charter, dated 13*th* April, 1698.

Qualifications to Vote in General Courts.

AT the Request of the Company, the King, by His Letters Patent, made some further Alterations in the foregoing Orders in respect to the Qualification of Voters in General Courts, by admitting any Proprietor to give One Vote for Five hundred Pounds Stock,—Two Votes for One thousand Pounds,—Three Votes for Two thousand Pounds,—Four Votes for Three thousand Pounds,—and Five Votes for Four thousand Pounds; and the Qualification for a Director fixed at Two thousand Pounds Stock.

May import Diamonds, &c. without Licence.

The Company were also impowered, by this Charter, to trade in and import from the *East Indies*, Diamonds, Pearls, &c. which they had been before prohibited from importing without the King's Licence.

CHARTERS GRANTED TO THE SECOND EAST INDIA COMPANY.

Charter granted the Tenth Year of King William III. *to the* East India *Company of* England, *dated the 5th of* September, 1698.

Recital of the Act of Parliament.

WILLIAM the Third, by the Grace of God, King of *England*, *Scotland*, *France*, and *Ireland*, Defender of the Faith, &c. To all to whom these Presents shall come, greeting. Whereas in and by an Act lately made and passed in Parliament, intituled, "An Act for raising a Sum, not "exceeding Two Millions, upon a Fund for Payment of Annuities after the Rate of Eight Pounds "*per Centum per Annum*, and for settling a Trade to the *East Indies*," it is amongst other Things enacted, That all the Monies arising by the several Duties upon Salt and Rock Salt, and upon Stampt Vellum, Parchment, and Paper, in the said Act mentioned, shall be brought and paid in the Receipt of Exchequer of us, our Heirs and Successors, in Manner and Form as in the said Act is prescribed, under certain Penalties therein mentioned; and that yearly and every Year, reckoning the First Year to begin from the Twenty-ninth Day of *September*, 1698, the full Sum of £160,000 by or out of the Monies to arise by the said several Duties, and to be brought into the Receipt of the Exchequer by weekly or other Payments (in case the same Payments shall extend thereunto) shall be the whole and entire yearly Fund: And in case the said weekly or other Payments

ments shall not extend to £160,000 *per Annum*, then the said weekly Monies or Payments (so far as the same will extend) shall be Part of the yearly Fund for and towards the answering and paying of the several and respective Annuities or yearly Payments in the said Act expressed.

And it is thereby further enacted, That it should and might be lawful for us, by Commission under the Great Seal of *England*, to authorize and appoint any Number of Persons to take and receive all such voluntary Subscriptions, as should be made on or before the said Twenty-ninth Day of *September* 1698, by or for any Person or Persons, Natives or Foreigners, Bodies Politick or Corporate (the Governor and Company of the Bank of *England* only excepted) of any Sum of Money whatsoever (not less than One Hundred Pounds) for and towards the raising and paying into the Receipt of Our Exchequer the Sum of Two Millions of Pounds Sterling.

And it is therein further enacted, That, during the Time thereby limited for taking the said Subscriptions, it should and might be lawful to and for all and every Person and Persons, Natives and Foreigners, Bodies Politick and Corporate, by and for themselves, or any of them, or in Trust for any other Person or Persons, Bodies Politic or Corporate, or any of them, (except as aforesaid) freely to subscribe any Sum of Money (not less than One Hundred Pounds) for or towards the said Sum of Two Millions; and that all the Monies, so to be subscribed, should be answered and paid by the respective Subscribers thereof to such as should be appointed to receive the same to our Use, at such Days or Times, and by such Proportions, and subject to such Allowances and Defalcations, and in such Manner and Form as in the said Act are expressed.

And it is thereby further enacted, ordained, and declared, That every Person and Body Politick, who should subscribe as aforesaid, and be named or contained in such Book or Books as are therein mentioned, his, her, or their Heirs, Executors, Administrators, Successors, and Assigns respectively, should have, receive, and enjoy for ever out of the Fund by the said Act settled and provided, One Annuity or certain yearly Sum for the whole Sum by him, her, or them subscribed, according to the Rate or Proportion of Eight Pounds *per Centum per Anuum*, in the Manner thereby prescribed.

And it is thereby further enacted, That it should and might be lawful for us, by Letters Patent under the Great Seal of *England*, to incorporate all and every Person and Persons, Natives and Foreigners, Bodies Politick and Corporate, who should subscribe, or for whom such Subscription should be made, and upon whose Subscriptions the First Tenth Part should be paid, as in the said Act is expressed; and all and every Person and Persons, Bodies Politick and Corporate, who (as Executors, Administrators, Successors, or Assigns, or by any other lawful Title derived or to be derived from, by, or under the said original Subscribers at any Time or Times thereafter) should have or be intitled to any Part, Share, or Interest of or in the said yearly Fund, so long as they respectively should have any such Part, Share, or Interest therein, to be one Body Politick and Corporate by the Name of *The General Society intitled to the Advantages given by an Act of Parliament for advancing a Sum not exceeding Two Millions for the Service of the Crown of* England, with such Succession, Capacity, and Powers, as in the said Act is mentioned; and in such Charter or Letters Patent, such further Rules, Powers, and Clauses for carrying on Trade, and pursuing the Ends and Intent of the said Act, were to be inserted, as should be lawfully and reasenably desired in that Behalf.

And it is thereby further enacted, That in case the said whole Sum of Two Millions, or One Moiety, or any greater Part of the said Sum of Two Millions should be subscribed as aforesaid on or before the said Twenty-ninth Day of *September* 1698, that then and from thenceforth all and every the Person and Persons, Natives and Foreigners, Bodies Politick and Corporate, by or for whom such Subscriptions should be made, and all and every Person and Persons, Bodies Politick and Corporate, (who as Executors, Administrators, Successors, or Assigns, or by any other lawful Title derived or to be derived from, by, or under the said original Subscribers) at any Time or Times thereafter, should have or be intituled to any Part, Share, or Interest of and in the said yearly Fund, and of and in a proportionable Part of the principal Stock of the said *General Society*, so long as they respectively shall continue to have any Part, Share, or Interest therein; and all and every Person and Persons, who for any Time should be licensed by such Person or Persons, Bodies Politick or Corporate, to trade in the Stead of them, should and lawfully might for ever thereafter by themselves severally, or by such Factors, Agents, or Servants, as they severally should think fit to intrust, freely traffic and use the Trade of Merchandize into and from the *East Indies*, and Parts or Limits in the said Act mentioned, in such Manner, and by such Proportions, and subject to such Restrictions as in the said Act are expressed.

And it is further thereby enacted, That if the said whole Sum of Two Millions, or One Moiety, or any greater Part thereof, should be subscribed on or before the said Twenty-ninth Day of *Septembe.*, 1698, and all or any Corporations, or other Person or Persons, having particular Shares or Interests in the said principal Stock of the said *General Society*, or in proportionable Annuities or Yearly Payments issuing out of the said yearly Fund, should be willing and desirous to unite

and

and join together such their several Shares and Interests, and to be incorporated, so as they may be able to manage their Trade (in proportion to their Interests as a Company, and by a Joint Stock) that then it should and might be lawful for us, by Letters Patents under the Great Seal of *England*, to incorporate all such Persons and Corporations by such proper Names as we should think fit to be one Company, with Power to manage and carry on their Trade to the *East Indies*, and other the Limits in the said Act mentioned, by a Joint Stock, and to have perpetual Succession and a common Seal, with Power to grant and take, sue and be sued, and to chuse their own Managers, Directors, and Officers from Time to Time, and such other Powers and Clauses as should be necessary or requisite for the carrying on of such Trade as should be reasonable for us to grant, nevertheless with such Restrictions as in the said Act is mentioned; and the Directors or Managers, and other Members of such Company, were to be subject to such further Rules, Qualifications, and Appointments as we in such Charter should think necessary or reasonable to be inserted.

And it is thereby further enacted, That it should and might be lawful for us by any such Commission, or by such Charters or Letters Patents as are therein mentioned, to limit, direct and appoint, how and in what Manner and Proportion, and under what Rules and Directions the Shares of all and every Person and Persons whatsoever in the said yearly Fund, and of and in the Stock of The *General Society*, or of any Company, to be settled or authorized to trade in pursuance of the said Act, and every or any Part or Proportion thereof, should and might be assignable or transferrable, assigned or transferred to such Person or Persons only as should freely and voluntarily accept of the same, and not otherwise; and that all Assignments and Transferrences made in such Manner should be good and available in the Law, and in the said Act there is contained a Proviso or Condition of Redemption by Parliament, in such Form as is therein expressed.

And it is also thereby enacted, That in case the Duties arising or appropriated by the said Act should at any Time or Times appear to be so deficient in the Produce of the same, as that within any one Year, to be reckoned from the Twenty-ninth Day of *September*, which shall be in the Year of our Lord 1699, the weekly Payments upon the same Duties should not amount to so much as should be sufficient to discharge and satisfy the several and respective Benefits, yearly Payments or Advantages by the said Act appointed or intended to be paid within or for the same Year respectively, in every such Case every such Deficiency should be answered by or out of the next Aids to be raised and granted by Parliament in the Manner therein mentioned, as by the said Act of Parliament, in which are contained divers other Powers, Provisoes, Authorities, Privileges, and Clauses (Relation being thereunto had) more fully and at large it doth and may appear.

Recital of the Commission for receiving the Subscriptions.

And whereas in pursuance of the said Act we did by our Commission or Letters Patents under the Great Seal of *England*, bearing Date at *Westminster* the Fourteenth Day of *July* now last past, nominate, constitute, authorize, and appoint *Hugh Boscawen, Esq.*; *Sir Thomas Grosvenor, Sir William Forrister, Sir Henry Athurst, Sir Robert Marsham, Sir John Buckworth, Sir William Saint Quintin, Sir Cloudesly Shovel, Sir Henry Furnesse, Sir William Scawen, Sir Theodore Janssen, Sir John Elwill, Sir William Honeywood, Sir Robert Southwell, Sir Cornwall Bradshaw, Sir Robert Clayton, Sir Thomas Stamp, Sir Owen Buckingham, &c.* to be the several Commissioners to take and receive all such voluntary Subscriptions as should be made on or before the Twenty-ninth Day of *September* then next ensuing, by or for any Person or Persons, Natives or Foreigners, or by or for any Body Politick or Corporate (except as aforesaid) of any Sums of Money whatsoever (not less than One Hundred Pounds) for and towards the raising and paying the said Sum of Two Millions, with Power and Directions to them, or such or so many of them as were thereby authorized and appointed to take such Subscriptions, and to do and perform such Matters and Things as are thereby enjoined.

And whereas we did in and by the same Commission or Letters Patents promise and declare, That as soon as the said Sum of Two Millions should be subscribed, in case the Subscriptions thereof should be compleated sooner than the said Twenty-ninth Day of *September*, 1698, or else immediately after the said Twenty-ninth Day of *September*, 1698, although only a Moiety or any greater Part of the said Sum of Two Millions should be subscribed by that Time, we would grant and make forth our Royal Charter or Letters Patents, under the Great Seal of *England*, for the Incorporation of the said *General Society*, by the Name aforesaid, in such ample Manner as is therein mentioned.

And whereas we did by the said Commission or Letters Patents also promise and declare, That if the said whole Sum of Two Millions, or One Moiety, or any greater Part thereof, should be subscribed on or before the said Twenty-ninth of *September*, 1698, and that if all or any Corporations, or other Person or Persons, who should have particular Shares or Interests in the principal Stock of the said *General Society*, or in proportionable Annuities or yearly Payments issuing out of the said yearly Fund, should be willing or desirous to unite or join together such their Shares or Interests, and to be incorporated so as they might be able to manage their Trade as a Company, and by a joint Stock, then we would grant and make forth another Charter or other Letters Patents,

and

poses, be and become a Member and Members of the said Company, and be intitled unto all the Benefits and Advantages of the said Company rateably and proportionably, according to his or their Part and Share in the capital Stock or Fund of the said *General Society*, so united and joined, with the said Company; and from and after such Admittance, Share and Proportion of and in the capital Stock or Fund of the said *General Society* belonging to such Member or Members so to be admitted of the said Company shall, by such his Admittance, be transferred to the said Company, and be and become Part of the capital Stock or Fund of the said Company, and shall from thenceforth be and become subject to such Rules, Orders, Limitations, Restrictions, and Directions, as the Shares and Proportions of the several Persons hereby united and incorporated are by Virtue of these Presents, or by the said Act of Parliament, made subject to in all Things, according to the true Intent and Meaning of these Presents, and of the said Act of Parliament.

An entry thereof to be made in six Days after their Admittance in the Company's Books and Exchequer.

Provided always, and we do hereby direct and appoint, That within Six Days after such Admittance, an Entry thereof shall be made in the Books of the said Company, and likewise in the Office of the Auditor of the Receipt of our Exchequer; and from and after such Entry thereof made with the said Auditor of our Exchequer, the Part and Share of such Member or Members of and in the Capital Stock of the said *General Society*, and of and in a proportionable Part of the said Annuities, shall from thenceforth be paid to the said Company, or to such Treasurer or Receiver as shall be appointed by the said Company, in such Manner and Form as the Parts and Shares of the Members of the said Company are hereby appointed to be paid.

The Commissioners of the Treasury, or Lord Treasurer, &c. to pay the Money arising by the Fund to such Person as shall be authorized under the Company's Seal without further Warrant.

And we do hereby, for Us, our Heirs and Successors, authorize, and enjoin and require the Commissioners of our Treasury and Under Treasurer of our Exchequer now being, the High Treasurer, Commissioners of the Treasury, and Under Treasurer of Us, our Heirs and Successors for the Time being, without any further or other Warrant, to be sued for, had, or obtained from Us, our Heirs or Successors, to issue and pay, or cause to be issued and paid, the proportionable Part or Parts of the said yearly Fund issuing out of the Exchequer, and belonging to the Members of the Company hereby established, from Time to Time to the said Company, called *The English Company trading to the* East Indies, or to such Treasurer or Treasurers as shall be appointed under their Common Seal to receive the same, in Trust for the several and respective Members of the same Company, according to their respective Proportions or Shares in the said joint or united Stock of the same Company, and to direct their Warrants and Orders for the issuing and Payment thereof accordingly; and that the Payments thereof be made weekly, or as fast as the said Duties shall produce Money into the Exchequer for the same, so as by such weekly or other Payments the Whole of the Annuities due to the said Company at the End of any one Quarter be not exceeded, as in and by the said Act is prescribed; any Matter or Thing to the contrary notwithstanding.

The Payments to be made weekly.

May make any Addition to the capital Stock, so as not to exceed the Total of what the Company may trade for.

And we do hereby order, direct, and appoint, that it shall and may be lawful to and for the said Company or Body Politick, called *The English Company trading to the* East Indies, and their Successors, from Time to Time, and at any Time or Times hereafter, for the better carrying on of the Trade and Affairs of the same Company, to make or cause to be made any Addition to their said Capital Stock, any Sum or Sums of Money, to be contributed or paid by the Members of the said Company, or any of them, so as all the Additions so to be made to the aforesaid Joint Stock of the said Company do not at any one Time exceed the Sum Total for which the said Company may yearly trade to the *East Indies*, and other the Parts within the Limits aforesaid, by Virtue of the said Act of Parliament and of these Presents.

May for ever hereafter freely trade.

And our Will and Pleasure is, and we hereby for Us, our Heirs and Successors, grant, direct, and appoint, That the said *English Company trading to the* East Indies, and their Successors, shall and may for ever hereafter, by themselves, or by such Factors, Agents, or Servants as they severally shall think fit to intrust, freely traffic and use the Trade of Merchandize, in such Places and by such Ways and Passages as are already frequented, found out or discovered, or which shall be hereafter found out or discovered, as they severally shall esteem and take to be the fittest and best for them

To and from the East Indies,

unto and from the *East Indies* into the Countries and Parts of *Asia* and *Africa*, and unto and from the Islands, Ports, Havens, Cities, Creeks, Towns, and Places of *Asia*, *Africa*, and *America*, or any of them, beyond the *Cape of Bona Esperanza* to the *Streights of Magellan*, where any Trade or Traffic of Merchandize is or may be used, or had, and to and from every of them, so as the said

So as they do not in any one Year, to be reckoned from Michaelmas, trade for more than the Amount of the Capital.

Company do not in any One Year (every Year to be reckoned from the Twenty-ninth Day of September, 1698) successively ship, lade, put on board, send or cause to be sent, to or for the *East Indies*, or other Parts within the Limits aforesaid, from *England*, or any other Country or Place whatsoever, any Quantities of Goods, Wares, Merchandizes, Coins, Bullion, or Commodities whatsoever, of greater Value than in the said Act of Parliament, and hereafter in these Presents are expressed (that is to say) the said Company for every Eight Pounds *per Annum*, payable to them and their Successors out of the said yearly Fund, in respect thereof One Hundred Pounds is to be reckoned in their capital Stock as aforesaid, shall or may, by themselves or others as aforesaid, ship, lade, put on board, or cause to be sent yearly for the said *East Indies*, or Parts within the Limits aforesaid,

Goods,

Goods, Wares, Merchandizes, Coin, Bullion, or other Commodities (being such as lawfully may be exported or sent thither) as shall amount in Value to the Sum of One Hundred Pounds and after the same Rate or Proportion for all the Annuities or whole Share or Proportion of the said Company of or in the said Yearly Fund, the Trade of the said Company to the *East Indies*, and other the Parts within the Limits aforesaid, shall be limited and regulated as in and by the said Act of Parliament is prescribed; which Benefit of Trade shall nevertheless be subject and liable to the Proviso of Redemption and all other Provisoes, Restrictions, Matters, and Things in the said Act or hereafter in these Presents contained: Provided always, and our Pleasure is, and we do hereby direct and appoint, that according to the Directions of the said Act of Parliament, no Person or Persons by these Presents incorporated, or who are or shall be a Member or Members of the said Company by these Presents established, during such Time as he or they respectively shall continue a Member or Members of the said Company, shall trade otherwise than in a Joint Stock of the said Company; and every such Member or Members, before he or they shall be allowed to receive any Benefit in or by the said Company, or to do or intermeddle in any of the Affairs of the same, shall take a corporal Oath before Two or more of the Directors or Managers herein after-mentioned (who have hereby Power to administer the same) that he or she shall be faithful to such Company, according to the best of his or her Skill and Understanding, give his or her Advice, Counsel, and Assistance, for the Support and good Government of the said Company; and that he or she, during his or her Continuance in the said Company, will not at any Time or Times ship, lade, send, direct, or cause to be sent from *England*, or any other Country to the *East Indies*, or other Parts within the Limits aforesaid, for his or their private Account, any Goods, Coins, or other Merchandizes, contrary to the said Act; and that no Person or Persons, that shall have the Order, Rule, Direction, or Management of the Voyages or other Affairs of the said Company, or that shall be intrusted or employed to trade upon the Joint Stock or for the said Company, shall be allowed to ship or cause to be shipped, laden, or put on board, or to send or cause to be sent for the *East Indies*, or other Parts within the Limits aforesaid, any Goods, foreign Coins, or other Merchandizes whatsoever, from *England*, or any other Country, until he or they respectively shall have taken a corporal Oath before Two or more of the Directors of the said Company, or before the Barons of the Exchequer for the Time being, or some of them, that he or they respectively will be faithful to the said Company, and according to the best of his or her Skill and Understanding, give his or her Advice, Counsel, and Assistance for the Support and good Government of the same; and that he or she, during his or their Continuance in the said Company, will not at any Time or Times ship, lade, send, direct, or cause to be sent from *England*, or any other Country, for the *East Indies*, or other the Parts within the Limits aforesaid, any Goods, Coins, or other Merchandizes, but such as he or she may lawfully send thither for the Account of the said Company, according to the true Meaning of the said Act and of these Presents.

Subject to the Proviso of the Redemption, &c.

No Member to trade but in a Joint Stock.

Every Member to take an Oath.

Directors to take an Oath.

Provided always, That such Persons as are known or commonly reputed to be Quakers, instead of such Oath or Oaths, shall and may make a solemn Declaration in Writing to the same Effect, and in the same Manner, and every such Declaration in Writing shall be of the same Validity as if he or they had taken a corporal Oath as aforesaid.

Quakers may make a Declaration.

And whereas in and by the said Act of Parliament it is provided and enacted, that all and every Person and Persons whatsoever, that shall or may, in pursuance of the said Act, trade or send, or cause to be sent, any Goods, foreign Coins, or other Merchandizes, for the *East Indies*, or other the Parts within the Limits aforesaid, before such Goods, foreign Coins, or other Merchandizes or any of them (the Goods, foreign Coins, or other Merchandizes of such Company as should or might be erected, and which is hereby erected to trade with a Joint Stock as aforesaid, only and always excepted) shall be shipped, laded, or put on board any Ship, or into any Lighter, Boat, or other Vessel for that Purpose, shall make or cause to be made an Entry or Entries of the same, in a Book or Books for that Purpose, specifying in such Entry or Entries the true and full Quantities, Kinds, and Values of all the Goods, foreign Coins, or other Merchandizes so intended to be sent for the *East Indies*, or other the Parts within the Limits aforesaid, from *England*, or from any other Country whatsoever, with the Name of the Ship and of the Commander or Master thereof, to the End it may be seen by the Inspection of such Book or Books, to which all Persons concerned are to have free Access, at all seasonable Times without Fee or Charge, from Time to Time, whether such Traders do or do not send more Goods, Coins or Merchandizes in the said Trade, than they respectively are allowed to send by the said Act; and all and every such Person and Persons, upon such Entry or Entries made, are required by the said Act to make and sign an Affirmation in Writing, in which he or they are to declare or affirm (upon the Oath or solemn Declaration) which he or they shall previously have taken or made as aforesaid in that Behalf; that such Entry or Entries do contain the true and full Value and Values of all the Goods, Coins, or Merchandizes to be shipped by or from him or them, on such Ship for that Voyage; all which Entries and Affirmations were by the said Act directed to be made before Two or more of the Trustees for *The General*

Entry of Goods on the separate Stock to be made upon Oath.

To sign an Affirmation in Writing.

Before Two Trustees of the General Society, till a Company is erected;

General Society aforesaid, and in Books to be kept by them for that Purpose, until a Company, with Power to trade upon a Joint Stock should be erected: and after the erecting of such Company (which is hereby made and established) then the like Entries and Affirmations are thereby appointed to be made before Two or more of the Directors or Managers of the said Company, and in Books to be kept by them for that Purpose: And in and by the said Act of Parliament it was also enacted, that if any Person or Persons, who are by the said Act required to make such Entries and Affirmations as the said Acts direct, shall neglect so to do; or if any Goods, foreign Coins, or other Merchandizes so entered, shall be of greater Value than shall be specified in such Entry or Entries; that then and in every such Case, the Goods, foreign Coins, or other Merchandizes, which shall be shipped or put on board any Ship or other Vessel designed for the *East Indies*, or any other the Parts within the Limits aforesaid, or into any Lighter, Boat, or other Vessel, to be put upon any such Ship for which no such Entry or Affirmation shall be made, or which shall be omitted therein, and the Effects and Proceed of the same (wheresoever they shall be found) shall and may be seized, and the double Value thereof shall and may be sued for and recovered against the respective Offenders, and to be divided and distributed in such Manner and Form as We by Our Charter or Charters should appoint: Our Will and Pleasure therefore is, and We do hereby, for Us, Our Heirs and Successors, will, declare, grant, direct, and appoint, that the said *English Company trading to the* East Indies, and their Successors, shall from Time to Time keep or cause to be kept, within Our City or Port of *London*, an Office and Books, wherein all the Entries and Affirmations required by the said Act to be made by particular Persons or Traders as aforesaid, may be made and entered; and that Two or more of the Directors or Managers of the said Company hereby established, to do from Time to Time, and at all seasonable Times, give such Attendance as shall be necessary at the said Office, as well for the administering of such Oaths and Declarations as by the said Act are to be administered by them, as for the taking of such Affirmations and admitting such Entries as are to be made by such particular Traders or Persons as aforesaid: And We do by these Presents appoint and direct, and Our Will is, that One Fourth Part of the said Forfeitures and Penalties last mentioned shall go and be distributed to such Persons as seize in Form or sue for the same; and Three Fourth Parts of the said Forfeitures and Penalties, which shall be had or recovered at any Time or Times after the making of this Our present Charter, shall go and be divided or distributed to the said Company hereby constituted, for the Benefit of the several Members thereof, according and in proportion to their Shares in the Joint Stock of the same; the same Forfeitures and Penalties to be recovered in any Court of Record of Us, Our Heirs and Successors, by Action of Debt, Bill, Plaint, or Information, wherein no more than One Imparlance shall be allowed.

Then before Two of the Directors of the Company.

Forfeitures divided.

Provided always, and We do hereby order and direct, that the said *English Company trading to the* East Indies, and their Successors, shall give Security, as the said Act directs, for bringing their Goods to some Part of *England* or *Wales*, there to be unladen and put on shore (excepting in such Cases as in the said Act are mentioned to be excepted.)

The Company to give Security to bring all their Goods to England.

And We do also require and command, that all Goods and Merchandizes of the *East Indies*, which shall be imported into *England* or *Wales* by the said Company, pursuant to the said Act and of these Presents, shall be sold openly and publicly, by Inch of Candle, as the said Act appoints, under the Penalties therein contained, upon Pain of incurring Our high Displeasure.

And to be sold by Inch of Candle.

And We do hereby further, for Us, Our Heirs and Successors, direct, order, and appoint, The said *English Company trading to the* East Indies, and their Successors, that during the Continuance of the said Company, that no Lot of any Goods or Merchandizes of the said Company shall be put up or sold, which shall exceed the Value of One thousand Pounds (Jewels excepted); and for the better Increase of Trade, and encouraging the Exportation of Goods and Merchandizes of the Growth, Product, or Manufacture of this Kingdom, it is Our further Will and Pleasure; And it is hereby provided, and We do hereby, for Us, our Heirs and Successors, order and appoint, and The said *English Company trading to the* East Indies, doth hereby covenant, promise, and grant, to and with Us, Our Heirs and Successors, that The said *English Company trading to the* East Indies, and their Successors, yearly and every Year, from the Feast of Saint Michael the Archangel, 1698, during the Continuance of their Trade to the said *East Indies*, by Virtue of the said Act of Parliament or of these Presents, shall export and carry, or cause to be exported and carried to the *East Indies*, Goods of the Growth, Product, or Manufacture of this Our Kingdom of *England*, amounting in Value at least to the Tenth Part of the whole Sum for which the said *English* Company trading to the *East Indies*, shall, by Virtue of the said Act, and of these Presents, actually trade thither; which Tenth Part is the same which the said Company ought to export, in such Goods as aforesaid, for their Proportion, pursuant to a Clause contained in the Charter of the *General Society*, called the General Society entitled to the Advantages given by Act of Parliament, for advancing a Sum, not exceeding Two Millions, for the Service

No Lot to exceed £1000.

Jewels excepted.

To export at least one-tenth in the product of England.

vice of the Crown of *England*, as Members of the same Society; and that the Directors of the said *English* Company trading to the *East Indies*, and their Successors, for the Time being, do and shall give in, and deliver unto us, our Heirs and Successors, in our or their Privy Council, yearly and every Year, in the Month of *October*, a true Account or Inventory fairly written and signed by Two or more of the Directors of the said Company for the Time being, containing the Nature, Quantity, Quality, Value, and prime Costs of all such Goods, of the Growth, Product, or Manufacture of this our Kingdom of *England*, as in the last preceding Year have been exported by the said Company, together with the Place, Town, or Port, from whence the said Goods were exported to the *East Indies*; and that Oath be made of the Truth of such Account or Inventory, by the proper Officers or Servants of the said *English* Company trading to the *East Indies*, who shall keep their Books for the Entry of Goods outwards, to the best of their Knowledge; and that none of the said Goods or Commodities, so exported shall be again landed in our Kingdom of *England*, Dominion of *Wales*, or Town of *Berwick upon Tweed*, or be carried to any Country or Place, but unto the *East Indies*, or some Place within the Limits afore-mentioned: Provided also, and it is Our further Will and Pleasure, and We do hereby, for Us, Our Heirs and Successors, order and appoint, and the said *English* Company, trading to the *East Indies*, doth hereby covenant, promise, and grant, to and with Us, Our Heirs and Successors, that the said *English* Company, trading to the *East Indies* and their Successors, shall yearly and every Year from the Feast of *Saint Michael, the Archangel*, One Thousand and Seven Hundred, during the Continuance of their said Trade to the *East Indies*, by Virtue of the said Act of Parliament, or of these Presents, furnish, sell, or deliver unto the Officers of the Ordnance of Us, Our Heirs and Successors, or to such Person, or Persons, as We, Our Heirs or Successors, shall in that Behalf direct or appoint, to Our and their own Use, within the City of *London*, or Ten Miles thereof, such Proportion of good, clean, and merchantable Saltpetre, as is herein after-mentioned, when and as the same shall be required, by the Master, Lieutenant, or other chief Officer or Officers, of or belonging to the Ordnance of Us, Our Heirs or Successors, or by such other Person or Persons, as We, Our Heirs or Successors, shall from Time to Time appoint, by Notice in Writing, to be left at the principal Office of the said Company, We, Our Heirs and Successors, paying to the said Company, and their Successors, or to their Treasurer, for the Time being, for the Use and Account of the said Company, the prime Cost thereof, with the Freight, Duties, and other Charges thereupon to be ascertained, from Time to Time, by the Oath of Three or more of the Directors of the said Company, if required; which said Proportion of Saltpetre, so to be furnished by the said Company, shall, from Time to Time, be ascertained and determined in Manner following; that is to say, as the Sum of Two Millions reckoned in Money, is to Five Hundred Tons of Saltpetre in the Whole, so the Sum or Value which the said Company may, by Virtue of the said Act, or of these Presents, trade for in any one Year, shall be to the particular Quantity or Proportion of Saltpetre, which the said Company shall be obliged to furnish, for the Service of Us, Our Heirs and Successors, as aforesaid, within or for every such Year respectively; which Proportion of Saltpetre is the same which the said Company, as Members of the said *General Society*, ought to furnish for their Proportion, pursuant to a Clause for furnishing of Saltpetre, contained in the aforesaid Charter of the said *General Society*.

An Account thereof to be delivered yearly, in the Month of October, to the Privy Council, on Oath;

The Company to furnish a Proportion of 500 Tons of Saltpetre yearly.

And We do hereby, for Us, Our Heirs and Successors (for the Encouragement of the said Company to carry on the said Trade by a Joint Stock, and for their greater Inducement to make present Payment of their Customs) condescend, declare, and agree, to and with the said Company, and their Successors, that they shall have and enjoy, and shall have made to them all and every the several Allowances and Discounts, in the Customs of the Goods and Merchandizes, by them to be imported into this Our Kingdom, as the present Governor and Company of Merchants of London trading to the *East Indies*, have held and enjoyed, and now do hold and enjoy, by Virtue of a certain Clause, in our Charter of Regulation, granted to the same Company, dated the Twenty-eighth of *September*, One thousand six hundred and ninety-four.

The Company to have the same Allowances, on Payment of Customs, as were made to the Old Company.

And We do hereby further will and appoint, That the said Company, hereby established, and their Successors, shall constantly maintain a Minister and School-Master, in the Island of *Saint Helena*, when the said Island shall come into the Hands or Possession of the same Company; and also One Minister in every Garrison and superior Factory, which the same Company or their Successors shall have in the said *East Indies*, or other the Parts within the Limits aforesaid; and shall also in such Garrison and Factories, respectively provide, or set apart, a decent and convenient Place for Divine Service only; and shall also take a Chaplain on board every Ship, which shall be sent by the same Company to the said *East-Indies*, or other the Parts within the Limits aforesaid, which shall be of the Burthen of Five hundred Tons, or upwards, for such Voyage, the Salary of which Chaplain shall commence from the Time that such Ship shall depart from *England*: And moreover, that no such Minister shall be sent by the same Company, to the said *East Indies*, or other the

To maintain a Minister and Schoolmaster, at St. Helena, and Ministers at their Factories in India,

and a Chaplain on every Ship of 500 Tons;

By whom Ministers to be approved,

the Parts within the Limits aforesaid, until he shall have been first approved of, by the Archbishop of *Canterbury*, or the Bishop of *London*, for the Time being; all which said Ministers, so to be sent, shall be entertained, from Time to Time, with all due Respect.

They are obliged to learn Portuguese and the Native Language.

And We do further will and appoint, that all such Ministers as shall be sent to reside in *India*, as aforesaid, shall be obliged to learn, within one Year after their Arrival, the *Portuguese* Language, and shall apply themselves to learn the native Language of the Country where they shall reside, the better to enable them to instruct the Gentoos, that shall be the Servants or Slaves of the same Company, or of their Agents, in the Protestant Religion; and that in Case of the Death of any of the said Ministers, residing in the *East Indies*, or other the Parts within the Limits aforesaid, the Place of such Minister, so dying, shall be supplied by One of the Chaplains out of the next Ships, that shall arrive at or near the Place where such Minister shall happen to die.

Schoolmasters to be resided.

And We do hereby further will and direct, that the said Company, and their Successors, shall, from Time to Time, provide School-Masters, in all the said Garrisons and superior Factories where they shall be found necessary.

The Twenty-four Directors, or any Thirteen, to be a Court.

And for the better ordering, managing, and governing the Affairs of the same Company, and for the making, and establishing, a continual Succession of Persons, to be the Directors of the same, We do, by these Presents, for Us, Our Heirs and Successors, grant unto the said Body Politick, so called The English Company trading to the *East Indies*, and to their Successors, and do hereby ordain and appoint that there shall be, from Time to Time, for ever (of the Members of the said Company) Twenty-four Directors of and in the same Company, which Directors, or any Thirteen or more of them, shall be and be called a Court of the Directors, for the ordering, managing, and directing the Affairs of the same Company, and Corporation, and shall have such Powers and Privileges as are herein after-mentioned.

Directors named;

And We do hereby nominate, ordain, constitute, and appoint, that the said *Edward Allen*, *Abraham Beake*, *James Bateman*, *John Carey*, Sir *Henry Furnesse*, *Peter Godfrey*, *Peter Gott*, *Gilbert Heathcote*, *Edmund Harrison*, Sir *Theodore Janssen*, *Samuel Locke*, *Edward Littleton*, *Joseph Martin*, *Streynsham Masters*, *Ephraim Mountague*, *Peter Paggen*, *Robert Raworth*, *Benjamin Rokeby*, *Samuel Sheppard*, Sir *William Scawen*, *William Stewart*, *Thomas Vernon*, *William Withers*, and *George White*, who are severally chosen for this Purpose, by a Majority of the said Subscribers, by these Presents incorporated in the said Company, shall be the present and First Directors of the same Company; and the said Directors shall continue in their respective Offices or Trusts, until the Twenty-fifth Day of *March*, which shall be in the Year of Our Lord, One thousand and seven hundred, and until others shall be duly chosen in their respective Offices or Trusts, and sworn into the same, unless they or any of them shall sooner die, or be removed, as is herein after-mentioned.

to continue to the 25th of March, 1700, and till others shall be chosen.

Members may meet to choose Directors, and make By-Laws;

And We do further, by these Presents, for Us, Our Heirs and Successors, give and grant unto the said *English* Company trading to the *East Indies*, and their Successors, and We do hereby ordain, will, and appoint that it shall and may be lawful, to and for all and every the Members of the same Company, hereby established, from Time to Time, to assemble and meet togother, at any convenient Place or Places, for the Choice of their Directors, and for making of By-Laws, Ordinances, Rules, Orders, or Directions, for the Government of the said Company, or for any other Affairs or Business concerning the same; and that all the Members of the same Company, or so many of them as shall be so assembled, shall be and be called a General Court of the said Company or Corporation, which Court shall assemble and meet, at such Times and in such Manner as hereafter is directed; and that all succeeding Directors of the same Company shall, from and after the said Twenty-fifth Day of *March*, One thousand seven hundred, be yearly and successively chosen, and for ever, out of the Members of the same Company, on some Day or Days, Time or Times, between the Twenty-fifth Day of *March* and the Twenty-fifth Day of *April* in each Year, by the Majority of Votes of all and every the Members of the same Company, having then each of them Five Hundred Pounds, or more, Share or Interest, in the Stock of the same Company, and who shall be personally present at such Elections, each of them to have and give One Vote, and no more; and that every particular Corporation, or Body Politick, that shall have Five Hundred Pounds, or more, Share or Interest, of or in the Stock for the said Company in respect thereof, at every such Election, and at all General Courts of the said Company, shall have One Vote, for the whole Share or Interest of such particular Corporation, or Body Politick, and no more; which Votes, for such particular Corporations, or Bodies Politick, shall and may be given by such Person or Persons, as shall be deputed thereunto, under the Common Seal, or Common Seals, of such particular Corporation, or Bodies Politick, respectively; and the said succeeding Directors, so chosen, shall severally and respectively continue in their respective Offices or Trusts, to which they shall be severally elected, for One Year, and till others shall be duly chosen and sworn into their Places respectively.

Members, so assembled, called a General Court;

all succeeding Directors to be chosen between 25th of March and 25th of April;

none to give more than One Vote;

A Corporation may send a Vote by a Deputy.

The surviving Directors may assemble the Members, to elect other Directors, in Room of any deceased, removed or avoided.

Provided nevertheless, that in case of Death, Avoidance, or Removal of any of the Directors of the said

said Company for the Time being, the Survivors of them, or the Majority of those remaining in their Office, shall and may at any Time, assemble together the Members of the said Company, in order to elect other Persons, by Members qualified to vote, in Manner aforesaid, in the room of those then dead, removed, or avoided: Provided nevertheless, and We do hereby will and ordain, constitute, appoint, and command that no Person or Persons shall be or be esteemed, qualified, or capable, to be an Elector to vote, or shall give any Vote, at any General Court, or otherwise, for an Election of the Directors, or any of them, or for or concerning the making of By-Laws, or in any other Matters, relating to the Affairs or Government of the same Company, who shall not, at the Time of such General Court, have in his, her, or their Name and Right, and for his, her, or their own Use, and not in Trust for any other, Five Hundred Pounds, or more, Share or Interest, in the said Capital Stock of the said Company, and who also shall not, at the Time of holding any such General Court, take the Oath hereafter mentioned, if required thereunto, by any Member or Members of the same Company, then present, having each Five Hundred Pounds Share or Interest, at least, in the said Stock, before Two or more of the Directors of the same Company, *viz.*

None to vote but those who have £500 stock each in their own Right.

"I *A. B.* do swear, that the Sum of Five Hundred Pounds, or more, of the Capital Stock of the "Body Politick, called by the Name of The *English Company trading to the East Indies*, "doth at this Time belong to me, in my own Right, and not in Trust for any other Person or "Persons whatsoever."

Oath thereof to be made, if required.

And We do hereby ordain and appoint, that no One Member of the said Company shall, in any Election of any Director or Directors, or other Officers of the said Company, or in any the Business or Affairs of the same, have or give any more than One Vote, whatsoever his Share or Interest in the said Principal Stock or Fund shall be: Provided nevertheless, that any Person or Persons, commonly called or known to be Quakers, who, at the Time of holding such General Court, as aforesaid, shall have Five Hundred Pounds Interest or Shares, as aforesaid, and shall then, if thereunto required, by any Member or Members of the said Company, then present, having each Five Hundred Pounds Share or Interest, at least, in the said Stock, make and sign the following Declaration, *viz.*

And none to give more than One Vote.

Quakers to make a Declaration of their having £500 Stock.

"I *A. B.* do sincerely and solemnly declare, in the Presence of God, that the Sum of Five "Hundred Pounds, or more, of the Capital Stock of the Body Politick, called by the Name of the "*English Company trading to the East Indies*, doth at this Time belong to me, in my own Right, "and not in Trust for any other Person or Persons whatsoever;"—Shall be capable of having a Vote at any General Court of the same Company.

Deputy of a Corporation to make the like Oath to the best of their Knowledge.

Provided also, that such Person or Persons as shall be deputed, as aforesaid, to vote for any particular Corporation, or Body Politick, making the like Oath or Declaration *(mutatis mutandis)*, to the best of his or their Knowledge and Belief, for or on the Behalf of such particular Corporation or Body Politick, for whom he or they are to give such Voice, or Voices, as aforesaid, shall be capable of voting at any of such General Courts as aforesaid.

Two Directors empowered to administer the Oath.

And we do, by these Presents, for Us, Our Heirs and Successors, give full Power and Authority, to any Two or more of the Directors of the same Company, for the Time being, to give and administer the said Oaths and Declarations, to the said Members and Deputies, and do hereby order and direct them to administer the same accordingly: Provided also, and We do hereby, for Us, Our Heirs and Successors, constitute, ordain, and appoint, that no Person shall be capable of being chosen a Director of the said Company, who shall not, at the Time of such Choice, be a natural born Subject of *England*, or naturalized, and shall not also then have in his own Name, or in his own Right, and for his own Use, Two Thousand Pounds, or more, in the said Stock; and that no Director, or Directors, shall continue in his or their respective Offices, longer than the Continuance of such their respective Interests and Stocks, in their own Names and Rights, and to their own Uses respectively; but upon parting with, or reducing his or their respective Shares or Interest, in the said Stock, to any lesser Sum, or Sums, than as aforesaid, the said respective Offices or Places of such Director or Directors, so parting with, reducing, or diminishing their said Shares or Interest, as aforesaid, shall cease, determine, and become vacant, and others shall be chosen in their Room, by a General Court of the same Company: Provided also, and We do, by these Presents, for Us, Our Heirs and Successors, will, ordain, and appoint, that none of them, the said *Edward Allen*, *Abraham Beake*, *James Bateman*, *John Carey*, Sir *Henry Furnesse*, *Peter Godfrey*, *Peter Gott*, *Gilbert Heathcote*, *Edmund Harrisson*, Sir *Theodore Janssen*, *Samuel Locke*, *Edward Littleton*, *Joseph Martin*, *Streynham Masters*, *Ephraim Mountague*, *Peter Paggen*, *Robert Raworth*, *Benjamin Rokeby*, *Samuel Shepherd*, Sir *William Scawen*

No Person to be a Director but who hath £2000 Stock in his own Right;

nor to continue longer than he keeps the same.

William

No Director to act till he has taken an Oath that he hath £2000 Stock; or if a Quaker, to make Declaration.

William Stewart, *Thomas Vernon*, *William Withers*, and *George White*, hereby nominated, constituted, and appointed, to be the First Twenty-four Directors of the said Company, or any other Person or Persons, hereafter to be chosen to the Office or Trust of a Director, for the said Company, shall be capable to execute or act in the said Office of Director, until he or they respectively shall have taken the Corporal Oath following, or if he or they be commonly reputed a Quaker or Quakers, then till he or they respectively shall have made a solemn Declaration to the same Effect, *viz.*

Directors Oath of Qualification.

"I *A. B.* do affirm, that the Sum of Two Thousand Pounds of the Stock of The *English Company trading to the* East Indies, whereof I am appointed or elected to be a Director, doth at this Time belong to me in my own Right, and not in Trust for any other Person or Persons whatsoever:"

And likewise another solemn Oath or Declaration in the Form or to the Effect following, *viz.*

Directors Oath of Office.

"I *A. B.* do faithfully promise, That in the Office of a Director of The *English Company trading to the* East Indies, I will be indifferent and equal to all Manner of Persons, and I will give my best Advice and Assistance for the Support and good Government of the said Company; and in the Execution of the said Office of a Director I will faithfully and honestly demean myself according to the best of my Skill and Understanding:"

By whom to be administered.

Which Oaths and Declarations to the first Four and Twenty Directors herein nominated, and every of them respectively, shall and may be administered by Our Chancellor of *England*, or Keeper of Our Great Seal of *England*, or by the Chancellor of the Exchequer, or Chief Baron of Our Court of Exchequer, or by any Two or more of the said first Directors, which shall first have taken the said Oaths or Declarations: And the said Oaths and Declarations to any future Director and Directors shall and may be administered by the Chancellor of *England*, or Keeper of the Great Seal of *England*, or by the Chancellor of the Exchequer, or Chief Baron of the Court of Exchequer, of Us, our Heirs and Successors, for the Time being, or any of them, or by any Two or more of the sworn Directors for the preceding Year; and they are hereby authorized and required to administer the said Oath and Declarations respectively to all and every such Director and Directors from Time to Time accordingly.

Directors to give an Oath to their Agents and Servants.

And furthermore Our Will and Pleasure is, and We do hereby for Us, Our Heirs and Successors, ordain and appoint, That the said Court of Directors shall have Power and Authority to administer an Oath to all the inferior Agents or Servants that shall be employed in the Service of the same Company, for the faithful and due Execution of the several Places and Trusts in them reposed, in the Words or to the Effect following (that is to say):

"I *A. B.* being elected into the Office or Place of Treasurer to The *English Company trading to the* East Indies, do swear, That I will be true and faithful to the said Company, and will faithfully and truly execute and discharge the said Office or Place of Treasurer to the utmost of my Skill and Power. So help me God."

A Director not qualified in Ten Days, the Place to be void.

And the like Oath to the other Agents and Servants *(mutatis mutandis)*: And in case any Person hereby nominated, or hereafter to be elected a Director as aforesaid, shall for the Space of Ten Days after such Nomination or Election neglect or refuse to take the respective Oath or Declaration hereby appointed to be taken as aforesaid, or shall refuse or neglect to take upon him his or their Offices, that then and in every such Case the Office and Place of every such Person so neglecting or refusing shall become vacant, and others shall be chosen in their Places by a General Court of the said Company.

Four General Courts to be held in a Year.

And We do hereby will and appoint, That the said Directors, or the major Part of them for the Time being, shall from Time to Time, and they are hereby required so to do, to summon and appoint Four General Courts at least in every Year, whereof one to be in the Month of December, another in the Month of March, another in the Month of June, and another in the Month of September.

In Failure thereof, Three Directors may summon.

And We do further will and appoint, That if at any Time or Times there should be a Failure of holding a General Court in any of the said Months, by Default of the Directors, or the major Part of them, that then and so often, and in every such Case, Three or more of the Directors of the said Company shall and may summon and call a General Court, which shall meet and be holden in the Month next coming after the Month in which the same should have been holden upon the Summons of the Majority of the Directors aforesaid.

And

A General Court to be summoned on the Demand of Nine Members, within Ten Days:

And moreover, We do by these Presents, will, direct, and appoint, That the said Directors, or the major Part of them for the Time being, shall from Time to Time, upon Demand to be made by any Nine or more of the said Members, having each of them Five Hundred Pounds, or more Interest or Share of the said Stock, within Ten Days after such Demand, summon and call such General Courts to be held of the Members of the same Company qualified for Electors as aforesaid; and in Default of the said Directors, or the major Part of them, to summon and call such Court, it shall and may be lawful to and for the said Nine or more Members, having each Five Hundred Pounds Stock as aforesaid, upon Ten Days Notice in Writing, to be fixed upon the Royal Exchange in *London*, to summon and hold a General Court, and there to do and dispatch any Business relating to the Government or Affairs of the said Company, and to hear and debate any Complaint that shall be made against any Director or Directors for Mismanagement in his or their Office or Offices; and if such Director or Directors shall not clear him or themselves of such Complaint to the Satisfaction of the major Part of the Members of the same Company in the said General Court assembled, that then within Ten Days another General Court shall be called, and held as aforesaid of the Members of the same Company, qualified to vote as aforesaid, finally to determine the same by the Majority of their Votes as aforesaid, who may remove or displace all or any of the said Directors for such Misdemeanors or Abuse of their Offices, and elect and chuse others in his or their Room in Manner before prescribed; and in every such Case where any Director or Directors shall happen to die or be removed, or his Office shall otherwise become void before the Expiration of the Term for which he shall have been elected, the major Part of the Members of the same Company to be assembled in a General Court, and being qualified as aforesaid, shall and may elect and chuse any other Member or Members of the said Company, qualified as aforesaid, into the Office of such Director or Directors that shall so die or be removed, or whose Office shall become void; which Person so to be chosen shall continue in the said Office until the next usual Time hereby appointed for Election, and until others shall be duly chosen and sworn, unless he shall be removed as aforesaid.

And Mismanagement.

And, for the better ordering and managing of the Affairs of the same Company, We do by these Presents for Us, Our Heirs and Successors, grant, and We do by these Presents will, authorize, and appoint, That the said Directors for the Time being, or any Thirteen or more of them, shall and may from Time to Time, and at all convenient Times, assemble and meet together at any convenient Place or Places for the Direction and Management of the Affairs and Business of the same Company, and then and there to hold Courts of the Directors, for the Purpose aforesaid, and summon General Courts to meet as often as they shall see Cause; and that the said Directors, or the major Part of them so assembled, shall and may act according to such Bye-Laws, Constitutions, Orders, Rules, or Directions, as shall from Time to Time be made and given unto them by the General Court of the said Company; and in all Cases where such Bye-Laws, Constitutions, Orders, Rules, or Directions, by or from the General Court shall be wanting, the said Directors, or the major Part of them so assembled, shall and may direct and manage all the Affairs and Business of the same Company, in the Direction of all the Voyages of or for the same Company, and the Provision of the Shipping and Merchandizes thereunto belonging, as also the Sale of the Merchandizes, Goods, and other Things returned in all or any the Voyages or Ships of or for the same Company, and in the transacting and handling of all other Matters and Things touching and concerning the same Company; and shall and may chuse and appoint the Agents or Servants which shall from Time to Time be necessary, to be employed therein, and to allow and pay reasonable Salaries and Allowances to the said Agents and Servants respectively, and them, or any of them, from Time to Time to remove or displace as they shall see Cause, and generally to act and do in all Matters and Things whatsoever, which by the said recited Act of Parliament shall or may be done, and in all Matters and Things whatsoever which they shall judge necessary for the well ordering and managing of the same Company and the Affairs thereof; and to do, enjoy, perform, and execute all the Powers, Authorities, Privileges, Acts, and Things in relation to the said Company as fully, to all Intents and Purposes, as if the same were done by the whole Company, or by a General Court of the same; subject nevertheless to such Restrictions, Limitations, Rules, or Appointments as are contained in the said recited Act of Parliament, or in these Presents in that Behalf.

And Mismanagement.

The Directors or any Thirteen may hold Courts, &c. and shall act according to the Bye-Laws, and where they are wanting, shall do all the Business of the Company.

As they shall judge necessary.

And We do hereby for Us, Our Heirs and Successors, grant to The said *English Company trading to the* East Indies, That all and every the said Members qualified for Electors as aforesaid, shall have full Power, and they are hereby authorized in the General Courts or Assemblies aforesaid, by Majority of their Votes as aforesaid, to make and constitute reasonable Bye-Laws, Constitutions, Orders, and Ordinances from Time to Time, as well for raising, and calling in and Payment of Monies for an additional Joint Stock, for the better carrying on and managing the

The General Court to make Bye-Laws, for calling in Money, making Dividends,

said

And Government of the Company.

said Trade, and for the applying and proportioning the Profit, Advantage, and Produce arising by the Joint Stock and Trade, as for the good Government of the said Trade to the *East Indies*, and other the Parts aforesaid, and of the Factors, Agents, Officers, and others concerned in the same; and to inflict reasonable Penalties and Punishments by Imprisonments, Mulcts, Fines, or Amerciaments for any Breach or Breaches thereof; and to levy such Fines, Mulcts, or Amerciaments to the Use of the said Company and their Successors, so that such Bye-Laws be not repugnant to the Laws of this Our Kingdom, and be confirmed and approved according to the Statutes in such Cases made and provided; all which Mulcts, Fines, and Amerciaments shall and may be recovered and received, to the only Use and Behoof of the said Company and their Successors, without any Account, or other Matter or Thing, to be therefore rendered to Us, Our Heirs or Successors.

The first General Court to be held in forty Days.

And We do hereby for Us, Our Heirs and Successors, ordain and appoint, That the first General Court for the said Company hereby established shall be held within the Space of Forty Days next after the Date of these Presents.

Books of Account of the principal and additional Stock to be kept by an Accomptant, and to be by him attested on Oath if required.

Provided always, and for the ascertaining and limiting how and in what Manner and under what Rules, as well the principal Stock or yearly Fund as also any additional Stock which the said Company shall acquire, or which any Member or Members thereof shall or may advance or pay into the said Company, for the managing or carrying on the said Trade, or the Shares or Interests of the several Members of and in the principal and additional Stock, shall and may be assignable and assigned, transferrable and transferred, by such Person and Persons, Corporation or Corporations, as shall from Time to Time have any Interest or Share in the same; We do hereby direct and appoint, That the same Company and their Successors shall cause an Accomptant to keep a Book or Books in the publick Office or Place of Meeting of the same Company, to be provided for that Purpose, and therein fairly to enter or cause to be entered from Time to Time the Amount as well of the principal Joint Stock of the same Company, as of such additional Stock (if any be) as aforesaid; the same to be by him attested upon Oath, if required; which said Book or Books shall from Time to Time lie open to be viewed.

Method of making Transfers.

And We do hereby for Us, Our Heirs and Successors, pursuant and according to the Power given unto Us by the said Act of Parliament, order, limit, direct, and appoint, That the Method and Manner of making all Assignments and Transfers, as well of the said principal Stock and Fund as of the additional Stock of the same Company, or any Part thereof, shall be by an Entry in the said Book or Books, signed by the Party so assigning or transferring, in the Words or to the Effect following, *viz.*

By the Person present.

"MEMORANDUM, That I *A. B.* this Day of in the Year of our Lord
" do assign and transfer of my
" Interest or Share (or being my Share or Interest) in the principal Stock, and
" in the additional Stock and Fund of *The English Company trading to the* East Indies, and all
" Benefit arising thereby unto his Executors, Administrators, and Assigns."
"Witness my Hand

By Letter of Attorney.

Or in Case the Person assigning be not personally present, then by an Entry in the said Book or Books signed by some Person thereunto lawfully authorized, by Letter of Attorney or Writing, duly sealed and attested by Two or more Witnesses in the Words or to the Effect following, *viz.*

"MEMORANDUM, That I *A. B.* this Day of in the Year of our Lord
" by Virtue of a Letter of Attorney from dated the
" Day of in the said Year do in the Name and on the Behalf of
" assign and transfer of the Interest or Share (or
" being the Share or Interest) of the said in the principal Stock and Fund,
" and in the additional Stock of *The English Company trading to the* East
" Indies, and all Benefit arising thereby unto his Executors, Administrators,
" and Assigns."
"Witness my Hand

And by no other Way.

And that the Entry signed as aforesaid and no other Way or Method shall be the Manner and Method used in the passing, assigning, or transferring the Interest or Share in the said Stock and Fund, and such Transfer or Assignment shall be good and available, and convey the whole Estate and Interest of the Party transferring or ordering the same to be transferred.

Stock may be devised by Will, but the Devisee not to receive or transfer till a Memorandum be entered, &c.

Provided always, That any Person having any Share or Interest in the said Stock and Fund may dispose or devise the same by his last Will and Testament, attested by Three or more credible Witnesses; but however, that such Devisee shall not transfer the same, or be entitled to receive any

any Dividend, until an Entry or Memorandum of so much of the said Will as relates to the said Stock and Fund to be made in the said Book or Books, to be kept by the said Company for that Purpose.

In case of Equality Votes to be decided by Lot.

And We do hereby will and appoint, That in all Cases where there shall be an Equality or equal Number of Votes in any General Court, or in any Court of Directors, to be holden as aforesaid, the Matter shall be determined by Lots, which the Treasurer for the said Company shall cause to be prepared and drawn for that Purpose.

Business may be done by Sub-Committees.

Provided nevertheless, That all Matters and Things which the said Directors, or the major Part of them, shall in Manner as aforesaid order and direct to be done by Sub-Committees, or other Persons appointed under them, shall and may, by Virtue of such Orders, be done by the said Sub-Committees, or other Persons so appointed.

Capital of the Duty of Five per Centum on Goods granted.

And whereas by the said Act of Parliament all Goods of the Growth, Product, or Manufacture of the *East Indies*, or any other Country or Places within the Limits aforesaid, which from and after the said 29th Day of *September*, 1698, shall be imported into the Kingdom of *England*, Dominion of *Wales*, and Town of *Berwick-upon-Tweed*, by any Corporation, Person or Persons, trading within the Limits aforesaid, by Virtue or in pursuance of the said Act, are charged with a Duty after the Rate of Five Pounds for every One Hundred Pounds, of the true and real Value of the said Goods, which Duty was thereby directed to be paid over from Time to Time to The said *General Society* of Subscribers and their Successors, or such Treasurer or Treasurers, as such Society should appoint to receive the same, unless a Company upon the Desire of the Subscribers, or any of them, should be erected in pursuance of the said Act, to trade to the *East Indies* with a Joint Stock as aforesaid; and from and after the erecting and settling of such Company which is hereby established, then the said Duty of Five Pounds *per Centum*, is by the said Act directed to be paid over to such Company and their Successors, or to their Treasurer, to the End that the said *General Society* and the said Company respectively, might out of the Produce of the said Duty of Five Pounds *per Centum*, maintain such Ambassadors or other Ministers as We, Our Heirs and Successors, at the Nomination of the Trustees, Directors, or Managers, of or for The *General Society* aforesaid, or of such Company, should be pleased to send to any Emperor, Prince, or State, within the Parts aforesaid, and defray any other extraordinary or necessary Expences in carrying on the said Trade,; and if at any Time or Times there should be an Overplus of the Produce of the said Duty, the same by the Direction of the said Act is to be disposed from Time to Time to and for the Benefit of all the Members of The said *General Society*, until the Company hereby established to Trade with a Joint Stock should be erected as aforesaid, and after such Company should be erected, then to and for the Benefit of all the Members thereof, according to their respective Shares or Interests in the principal or capital Stock of the same, as by the said Act may appear.

For what Use and how to be disposed of

The said Five per Centum Duty to be paid over by the Receiver General of the Customs to the Company, to be applied as aforesaid, necessary Charges excepted.

Our Will and Pleasure therefore is, and We do hereby for Us, Our Heirs and Successors, direct, authorize, and command that the Receiver and Receivers General of the Customs of Us, Our Heirs and Successors for the Time being, and all others who shall or may have the Receipt of the said Duties after the Rate of Five Pounds *per Centum*, or any Part thereof, do and shall from Time to Time answer and pay over to The said *English Company trading to the* East Indies, and their Successors, or to their Treasurer for the Time being, to be applied as aforesaid, all the Monies arising by the said Duties last-mentioned (the necessary Charges of raising, collecting, and answering the same only excepted) and that the Commissioners of Our Treasury and Under Treasurer of our Exchequer now being, and Treasurer and Under Treasurer of the Exchequer, and the Commissioners of the Treasury of Us, Our Heirs and Successors for the Time being, and the Commissioners of the Customs now being, or that hereafter shall be, and all others to whom it may appertain, do from Time to Time give their Warrants and Orders for paying over the said Duties of Five Pounds *per Centum* to the said Company, or their Treasurer for the Time being, for the Purposes aforesaid, according to the true Intent and Meaning of the said Act of Parliament and of these Presents, for which these Presents, or the Inrollment, or Exemplification thereof, shall be to them and every of them a sufficient Warrant and Discharge in that Behalf.

The sole Trade to the East Indies granted.

And moreover We have granted, and by these Presents, for Us, Our Heirs and Successors, do grant to The said *English Company trading to the* East Indies, and their Successors, that they and their Successors, and their Factors, Servants, and Assigns in the Trade of Merchandizes for them and on their Behalf, and not otherwise, together with such other Persons and Corporations only as by the said Act of Parliament, or Our Royal Charter or Charters in pursuance thereof, may lawfully trade or traffic to the said *East Indies*, or other the Parts aforesaid, shall for ever hereafter have, use, and enjoy the whole, intire, and only Liberty, Use, and Privilege of trading, trafficking, and using the Trade of Merchandize to and from the said *East Indies*, and to and from all the Islands, Ports, Havens, Cities, Towns, and Places aforesaid, in such Manner

Subject to the Proviso of Redemption.

and Form, and by such Proportion, and subject to such Restrictions, Proviso of Redemption, and other Provisoes, Conditions, Matters, and Things, as in and by the said Act of Parliament and in these Presents, and by Our said Charter granted to The said *General Society*, and every or any of them, are expressed, declared, or appointed; and that the said *East Indies*, or the said Islands, Havens, Ports, Cities, Towns, or Places within the Limits aforesaid, or any of them, shall not, after the said 29th Day of *September*, 1698, be visited, frequented, or haunted by any other of the Subjects of Us, Our Heirs and Successors, during such Time as the Benefit of Trade given or intended to be given to the same Company, and others as aforesaid, ought to continue by Virtue of the said Act.

No other to trade thither, except the Old Company, and they but till the 29th of September, 1701.

And We do by these Presents, for Us, Our Heirs and Successors, strictly charge, command, and prohibit all the Subjects of Us, Our Heirs and Successors, of what Degree or Quality soever they be, that none of them directly or indirectly visit, haunt, frequent, or trade, traffick or adventure unto or from any the said *East Indies*, or the other Parts aforesaid, contrary to the true Meaning of the said Act, under the Penalties therein contained, and upon Pain of incurring Our highest Displeasure (excepting the said Company and such others as may lawfully go and trade to the *East Indies*, and other the Parts aforesaid, by Virtue of the said Act, or of Our Royal Charter or Charters pursuant thereunto, and excepting their Factors, Agents, and Servants respectively, who shall be employed according to the true Meaning of the said Act); and so as the Governors and Company of Merchants of *London* trading into the *East Indies* formerly constituted shall not be restrained hereby from continuing to trade within the Limits aforesaid until the Twenty-ninth Day of *September*, 1701, and so as such Ships not in the Service of the said Governor and Company of Merchants of *London* trading to the *East Indies*, which were cleared outward from *England*, or elsewhere for the *East Indies*, or other Limits aforesaid, before the First Day of *July*, 1698, or the Lading thereof, so as they return into some Port of this Kingdom without breaking Bulk in any Part of Europe, shall not be liable to any the Penalties, Forfeitures, or Displeasure before-mentioned.

Their Ships charged outward before the 1st of July, 1698, not liable to Forfeiture.

The Company may seize Ships and Goods for Want of Entry, &c.

And may do all that Custom-House Officers do in order thereunto.

And We do hereby, for Us, Our Heirs and Successors, give and grant full Power and Authority to The said *English Company trading to the* East Indies, and their Successors for the Time being, that they, by themselves, their Deputies, Factors, Substitutes, and Assigns, shall and may from Time to Time and at all Times hereafter take and seize all such Ships, Vessels, Goods, Merchandize, Bullion, Wares, and Commodities whatsoever, in *England* or in the *East Indies*, or elsewhere, which by Virtue of the said Act of Parliament shall or may be forfeited, or shall be seizable for Want of any Entry or any false Entry in the Books of the said Company, or for Want of any Affirmation to be made as the said Act directs, or for Non-Payment of the said Duty of Five Pounds *per Centum*, or for unlawful trading or trafficking, or for any other Offence against the said Act, or for any Cause whatsoever, whereupon the same or any of them shall be forfeited, or shall or may be seized by Virtue of the said Act; and, for that End and Purpose, shall and may from Time to Time make search, do, perform, and execute all such Matters and Things, and in such ample Manner and Form, as any Officer or Officers of the Customs of Us, Our Heirs and Successors, can or may lawfully do, perform, or execute in or for the Seizing and Recovering of any uncustomed or prohibited Goods whatsoever.

The Company may license any Person, in their Service to trade, in such Commodities and Proportions as shall be allowed by a General Court, and not otherwise; and may license any other (except the Bank) to trade in Jewels, as by the General Court shall be thought convenient, so as the whole do not exceed what may be yearly traded for by the Act.

Provided always, and We do hereby, for Us, Our Heirs and Successors, give, and grant, unto the said *English Company trading to the* East Indies, and their Successors, full Power and Authority, at any Time or Times, and from Time to Time hereafter, to license, and permit, all or any the Agents, Factors, and Mariners, which, from Time to Time, or at any Time hereafter, shall be employed by the said Company, in the Ships of or belonging to, or in the Service of the said Company, and set out on the Account of the said Company, to trade and traffick, and to export, and import, in such Ships, to and from any Part of the *East Indies*, or to other the Parts within the Limits aforesaid, and for and upon the only Account of such Agents, Factors, and Mariners, or any of them, such Commodities and Goods, and such Proportions thereof, and in such Manner, and Form, as shall, from Time to Time, be permitted and allowed of, by the Majority of Votes, at a General Court of the said Company, for the Time being, and not otherwise; and also to license and permit any other Person or Persons, or Corporations (the *Bank of England* only excepted) at any Time or Times, to trade or traffic, and to import in any of the Ships of the said Company, or set out on Account of the said Company, to and from any Part of the said *East Indies*, or other the Parts within the Limits aforesaid, any Diamonds, Jewels, Pearls, Precious Stones, Musk, Ambergrease, and other Commodities, or any of them, and in such Manner, and Form, as by the said General Court, or the major Part of the Members composing the same, from Time to Time, shall be thought convenient; due Entries being made thereof, and the Duties of the same being paid, or secured, at the *Custom House* of Us, our Heirs and Successors, at the Place where the same shall be imported, before the landing thereof; so always that the Sum, for which the said Company, and the said Agents, Factors, and Mariners, Persons, and Corporations, so to be licensed, and permitted by

by the said Company, shall yearly trade, do not exceed the yearly Sum and Proportion, for which the said Company may lawfully trade yearly, by Virtue of the said Act of Parliament, and these Presents.

The Company to have the Government of all their Forts, &c. and to appoint Governors and other Officers:

And We do, of Our more especial Grace, certain Knowledge and mere Motion, for Us, Our Heirs and Successors, give and grant unto the said *English Company trading to the* East Indies, that the said Company, for the Time being, shall and may have the ordering, Rule, and Government of all such Forts, Factories, and Plantations, as shall be, at any Time hereafter, settled by or under the said *English Company*, within the *East Indies*, and Parts before-mentioned, and shall and may name and appoint Governors, and Officers, from Time to Time, in and for the said Forts, Factories, and Plantations, and them to remove and displace at their Will and Pleasure; and that such Governors, and Officers, shall and may, according to the Directions of the same Company, raise, train, and muster, such Military Forces as shall or may be necessary for the Defence of the said Forts, Places, and Plantations respectively; the sovereign Right, Power, and Dominion, over all the said Forts, Places, and Plantations, to Us, Our Heirs and Successors, being always reserved.

And further, to appoint Governors and other Officers:

And may raise Forces to defend the said Forts, &c.

The sovereign Right reserved.

Court of Judicature established where the Company shall direct:

What Persons the Court is to consist of:

Their Commission and Power:

And We have thought fit to erect and establish, and We do, by these Presents, erect, and establish, One or more Court or Courts of Judicature, to be held at such Place or Places, Fort or Forts, Plantations or Factories, upon the said Coasts, as the said Company, hereby established, shall, from Time to Time, direct and appoint; every such Court to consist of One Person learned in the Civil Laws, and Two Merchants, with such Officers of the said Courts as shall be thought necessary, to be nominated and appointed, from Time to Time, by the said Company, in a General Court of the Members, or by the major Part of them then present, and capable of voting, as aforesaid; and the said Person learned in the Civil Laws, and Two Merchants, or the major Part of them, whereof the said Person learned in the Civil Law to be One, shall have Commission, and Power, to hear and determine all Cases of Forfeitures, and Seizures, of any Ship or Ships, Goods, and Merchandizes, trading and coming upon any the said Coasts or Limits, contrary to the Intent of the said Act, and of these Presents; and also all Causes, mercantile or maritime, bargaining, buying, selling, and bartering of Ware whatsoever; and all Policies and Acts of Insurance, all Bills, Bonds, and Promises for Payment of Money, mercantile or trading Contracts, Charter-Parties, or trading Contracts, for Freightment of Vessels, and Wages of Mariners, and all other mercantile and maritime Cases whatsoever, concerning any Person or Persons residing, coming, or being within the *East Indies*, or other the Limits aforesaid; and all Cases of Trespass, Injuries and Wrongs, done and committed upon the High Sea, or in any the Regions, Countries, or Places, within the Limits aforesaid, concerning any Person, or Persons, residing, being, or coming, in the Parts of *Asia*, *Africa*, and *America*, within the Parts and Limits aforesaid; all which Cases shall be adjusted, and determined by the said Court or Courts, upon due Examination and Proof, according to the Rules of Equity and good Conscience, and according to the Laws and Customs of Merchants, by such Methods, and Rules of proceeding, as We, Our Heirs and Successors, shall, from Time to Time, direct and appoint, under Our Great Seal, or Privy Seal, and for Want of such Direction, and until such Directions shall be made, by such Ways, and Means, as by the Judges of the said respective Court, or Courts, shall, in their best Judgment and Discretion, be thought meet and just, whether it be by a summary Way or otherwise, according to the Exigency of the several Cases, which shall be brought in Judgment before them; and all Judgments, Determinations and Decrees, made in the same Courts, are to be put in Writing, and signed by the same Persons that were present at, and gave or made the same, and shall contain a short State of the Matter of Fact, as it appeared to them, and their Sentence and Adjudications thereupon.

To be executed by such Rules as shall be directed, under the Great Seal, or Privy Seal, and for Want of such Direction, as the Judges of the said Court shall think meet.

And further We do, for Us, Our Heirs and Successors, give, and grant, to the said *English Company trading to the* East Indies, hereby established, that they shall enjoy, to all Intents and Purposes, all Privileges in the City of *London*, as fully as any Company of Merchants, established by Letters Patents, granted heretofore by Us, or any of Our Predecessors, at present do or may enjoy, or formerly did and might enjoy the same.

The Company to enjoy all Privileges in London, that any Company of Merchants did, or do, or may enjoy.

And further, We do hereby, for Us, Our Heirs and Successors, charge, and command, all and singular Admirals, Vice-Admirals, Generals, Commanders, Commissioners of Our Customs, Mayors, Sheriffs, Justices of the Peace, Comptrollers, Waiters, Searchers, and other Officers, and Ministers, of Us, Our Heirs and Successors whatsoever, to be, from Time to Time, in all Things, aiding, helping, and assisting, unto the same Company, and their Successors, or any employed by them, upon Request made, as they tender Our Displeasure.

All Admirals, &c. to be assisting.

And We do, for Us, Our Heirs and Successors, grant and declare, that these Our Letters Patents, or the Enrolment thereof, shall be in and by all Things valid and effectual in the Law, according to the true Intent and Meaning of the same, and shall be taken, construed, and adjudged in the most favourable and beneficial Sense, for the best Advantage of the said Company, as well in Our Courts

This Charter to be construed in the most beneficial Sense for the Company.

of

of Record as elsewhere, notwithstanding any Non-recital, Mis-recital, Defect, Incertainty, or Imperfection, in these Our Letters Patents.

To be passed without Fee in the Hanaper.

And Our Will and Pleasure is, that these Presents, under Our Great Seal of *England*, shall be, in due Manner, made and sealed, without Fine or Fee, great or small, to Us, in Our Hanaper, or elsewhere, to Our Use, therefore anyways to be rendered, paid, or made.

Will grant any further lawful Powers and Privileges upon Request.

And We do hereby, for Us, Our Heirs and Successors, covenant, grant, and agree, to and with the said Company, and their Successors, that We, Our Heirs and Successors, shall and will, from Time to Time, and at all Times hereafter, upon the humble Suit and Request of the said Company, and their Successors, give and grant, unto them, all such further and other Powers, Privileges, Authorities, Matters and Things, which We, or they, can or may lawfully grant, and as shall be reasonably advised, and devised, by the Council learned of the same Company, and their Successors, for the Time being, and shall be approved by Our Attorney, or Solicitor General, or Our Behalf. In Witness whereof, We have caused these Our Letters to be made Patents. Witness *Thomas*, Archbishop of *Canterbury*, and the Rest of the Keepers and Justices of the Kingdom, at *Westminster*, The Fifth Day of *September*, in the Tenth Year of Our Reign.

By Writ of Privy Seal,

PIGOTT.

The Union of the Two Companies.

The two English East India Companies united.

ON the Twenty-second of *July*, 1702, an Indenture Tripartite was made between Queen *Anne* of the First Part; the Old Company of the Second Part; and the New Company of the Third Part: The Substance of which is as follows:

	£
The Old Company, being possessed in the late Subscription of	315,000
And the New Company of	1,662,000
And the separate Traders of	23,000
Making in all the Subscription for the Loan of	£2,000,000

1st. It is agreed between both Companies, that the Old Company shall purchase of the New Company, at par, £673,500 of their Stock, whereby their whole Stock will be

	£
	988,500
Leaving the like Sum for the New Company, *viz.*	988,500
And the separate Traders as above, have	23,000
	£2,000,000

2d. That the whole Trade to *India* shall be carried on with the said United Stock for Seven Years, for the Benefit of all the Members of the New Company; the Old Company to have a Right and Power equal to all the rest of the Members, in the Management of the Trade, during he said Seven Years, but to keep their Stock in their Politic or Corporate Capacity, for the said Term, without transferring it to their particular Members.

3d. The Old Company's Dead Stock (defined to be the Forts, Factories, Buildings, &c. that is, any Thing but Money, Ships, and Merchandize), being valued at £330,000; the Dead Stock of the New Company valued at £70,000; the New Company shall therefore pay £130,000, to the Old Company, for making up £200,000 for their Moiety of the whole Dead Stock, being now £400,000, which is intended to be a new additional Stock on the joint bottom.

4th. But the Old Company, during the said Seven Years, shall have the Use of their Dead Stock at Home, [that is, their Office and Warehouses in *Leadenhall Street*, &c.]; and then it is to go to the United Company, [the Old Company ceasing to be a Company at the end of the said Seven Years] comprehending the Proprietors of both Companies.

5th. During

5th. During the said Seven Years from the Date of the Indenture, each Company shall hold their distinct Courts; and shall have distinct Courts of Directors.—Each Company may raise Money, either for their respective Moieties of the United Trade, or for transacting their separate Affairs (such as paying their separate Debts, &c.); but Debts contracted for the Joint Trade shall be discharged out of the United Company's Stock.

6th and 7th. Both Companies shall forthwith bring home their separate Estate, and divide the same amongst their respective Members; after which, neither Company shall send out any Ships or Goods on their separate Account, but all shall be upon the joint Account, by such Orders as shall be made by the General Courts of both Companies, in the name of *The English Company trading to the* East Indies, by Direction of Twelve Directors out of each Company, subordinate to both the General Courts.

8th and 9th. Both Companies shall bear an equal Proportion of the United Trade, and the Members of each may transfer their nominal Stocks, in the Book of their respective Company; but so as the Old Company shall keep their Moiety of Stock intire in their corporate capacity for the said Seven Years.

10th. Both Companies covenant with Her Majesty, that on the joint Account there shall be exported annually to *India*, of the Growth, Product, or Manufacture of *England*, at least One Tenth Part of the whole Sum they shall trade for: An Account whereof shall be annually delivered to the Privy Council. The Crown releases both Companies from all former Covenants, excepting for the Supply of Saltpetre, of which Merchandize, they shall be obliged to deliver to the Office of Ordnance Four Hundred and Ninety-four Tons and a Quarter at £45 *per* Ton in Time of Peace, and at £53, in Time of War; the refraction thereof being settled at £15 *per Cent.*

11th. This Article directs that the Company's Chaplains shall have Precedence next after the Fifth Member of Council in the Factory.

12th. The Queen agrees to take the Company's sealed Bonds for all the Customs on their Merchandize, the £15 *per Cent.* on Muslins, only excepted.

13th, 14th, 15th, and 16th. Nothing to be transacted on the Joint Trade, without the Concurrence of both Companies:—And only Servants and free Merchants, or other Corporations, (the Bank of *England* excepted) may be licensed to trade for themselves in the Company's Ships.

17th. The Queen grants that the General Courts of both Companies and their Sub-managers shall have the sole Government of their Forts.—May coin foreign Money in *India*; and the Old Company may convey *Bombay* and *Saint Helena* to the New Company.

18th, 19th, 20th. The Old Company, at or near the Expiration of the said Seven Years, shall transfer into the Books of the New Company their Share of the joint Stock to their respective Members. And shall also, some Time before the said Expiration, assign to Her Majesty all the Debts due to them, which Debts she engages to re-assign, in Ten Days after, unto Trustees, for answering the said Old Company's Debts, and afterwards for the Benefit of their Members. The Old Company covenant to surrender their Charters, in two Months after the Expiration of the said Seven Years, into the Queen's Hand, and the Queen engages to accept of such surrender; and from thenceforth the New Company is to be called *The United Company of Merchants of* England *trading to the* East Indies: whose Affairs shall thenceforth be conducted by their own sole Directors, agreeable to their Charter of the Tenth of King *William* the Third. [*The remaining Articles are purely temporary, as indeed some of the foregoing ones also are*]. And lastly, the Queen declares that this Indenture shall be construed in the most favourable Sense for the Advantage of both Companies.

Deed of Conveyance from the Old Company, of their Dead Stock to the New Company, dated 22d July, 1702.

Abstract of the Deed.

BY Indenture Quinquepartite of this Date, made between various Parties, the Old Company convey to the New Company, not only the Ports and Islands of *Bombay*, and *Saint Helena*, granted to them by King *Charles* the Second, but also the Forts of *Mazagom*, *Mahim*, *Syon*, *Syere*, and *Worle*, the Factories of *Surat*, *Swally*, *Broach*, *Amadavad*, *Agra*, and *Lucknow*; the Forts of *Carwar*, *Tellichery*, *Anjengo*, and *Callicut*; and the Factories of *Gombron*, *Shyraz*, and *Ispahan* in *Persia*, and the yearly Rent of £3,333 6*s.* 8*d.* granted them by the Sophy of *Persia*; also on the Coast of *Coromandel*, *Chingu*, *Orixa*, and *Fort Saint George*, with the Castle, Fortifications, and Territory thereto belonging, upon which a large City is built (which were held of and paid

New Company convey to Old Company, Bombay, St. Helena, and other Settlements. Factories in Persia.

Fort St. George and Madras.

Fort and Town of St. David. Cuddalore. Vizagapatam. Bencoolen. Tonqueen in Cochin China. Balasore, &c. in Bengal. Ordnance, Ammunition and other Marchables. Warehouses, &c. in St. Helens, London.

Rent to the said Old Company), together with the said City and Dependencies. Also *Fort Saint David*, and Three Miles compass of the circumjacent Country, upon which several Towns and Villages are erected, Also the Factories of *Cuddalore*, *Porto Novo*, *Pettipolee*, *Metchlepatam*, *Madapollam*; and the Fort and Factory of *Vizagapatam*; the Settlement of *York Fort* at *Bencoolen*, on the Island of *Sumatra*, and the Factory there; and the Factory at *Indrapore*; and the Factories of *Tryamong Sillebar*, and same other Outpagars or Factories depending on the Factory of *Bencoolen*.—In *Cochin China*, the Factory of *Tonqueen*; also *Fort William* in *Bengal*, and the Factories of *Chuttanuttee*, with a large Territory thereto belonging. The Factory of *Ballasore*, *Cossimbuzar*, *Dacca*, *Hughly*, *Maulda*, *Rajamaul*, and *Patna*, and their Right to *Bantam*, or any other Settlements on the South Seas, and all other their Forts, Factories, Islands, Lands, Tenements, Territories, and Hereditaments, between the *Cape of Good Hope* and the Streights of *Magellan*; and all Castles, Fortifications, Ordnance, Guns, Stores, Ammunition, Slaves, Horses, Cattle, Ships, Sloops, Boats, Vessels, Plate, Revenues, Rents, Customs, Incomes, and Profits, Prerogatives, Royalties, Privileges, Franchises, Pre-eminencies, and Hereditaments of the said Old Company, within, upon, or belonging to, or held or enjoyed with, the said Islands, Ports, Factories, &c. before mentioned. And also all their Right, Estate, Title, and Interest of, in, or to the several Messuages, Warehouses, Lands, Tenements and Hereditaments, of the said Company, in the Parish of *Great St. Helens*, *London*, with their Appurtenances. To hold the Premises to the New Company, and their Successors, in as large and ample Manner as the same could or might have been held by the Old Company.

The Indenture Tripartite to be made a Decree of the Court of Chancery.

In this Conveyance are contained divers Covenants of a temporary Nature, and also a Declaration to ascertain what shall be deemed the Dead Stock of the Old Company; and also a mutual Covenant for giving their respective Consents to a Decree in the Court of Chancery, for a specific Performance of the Covenants contained in the Indenture Tripartite herein before abstracted.

The Award of the Earl of Godolphin, *between the Old and New* East India *Companies, dated 29th* September, 1708.

Abstract of the Award. Recital of Act 6 Anne, referring Matters in dispute to Earl of Godolphin.

BY Deed Poll, under the Hand and Seal of the Lord High Treasurer the Earl of *Godolphin*, made in pursuance of an Act of the Sixth Year of Queen *Anne*, stating, that the Two Companies being desirous that a speedy and compleat Union might be had and perfected, pursuant to the before abstracted Indenture Tripartite, had agreed to refer all Matters in Dispute concerning the same, and the compleating the said Union, unto the final Determination and Award of the said Earl; and the said Earl, having thereupon heard both Parties, did adjudge and award to the following Purport; *viz.*

What shall be deemed the united Stock.

Old Company to assign their foreign Debts to the Queen, to be re-granted to the New Company.

New Company to pay the Foreign Debts owing by Old Company, and certain of their own foreign Debts.

Old Company to pay 96,615l. 4s. 6d. and 66,005l. 4s. 2d. to the New Company.

1. That certain specified Parts of the separate Debts, Goods, Merchandizes, and Effects of the said Two Companies respectively, should be deemed Part of their United Stock. And for vesting the same in the New Company for the Benefit of the united Trade, the Old Company were directed to transfer such of the said Debts, as were due to them, unto the Queen's Majesty, to the Intent the same might be re-granted under the Great Seal to the New Company; and after such re-grant, the New Company, in respect of the united Stock, were made liable to the Payment of the Debts as well of the Old Company on their separate Account, as of the New Company on Account of their old additional Stock, called the Shares in the *East Indies*, *Persia*, *China*, and *Saint Helena*, and other the Limits of their Charter.

2. That inasmuch as the aforesaid separate Debts, Credits, and Effects of the Old Company, fell short by Estimation of a sufficiency to pay what was owing abroad on their separate Account, it was directed that the Old Company should pay to the New Company, *£96,615 4s. 6d.* by Instalments, for the Benefit of the united Trade. And because the Credits and Effects of the New Company exceeded by Estimation the Debts due on Account of their said old additional Stock, called Shares in the *East Indies*, &c. therefore the Old Company were directed to pay to the New Company, for the Use of the respective Members interested in the said Shares, the Sum of *£66,005 4s. 2d.*

Each Company to pay their own separate Debts owing in Great Britain.

3. The Third Part of the Award contains Directions for each Company to discharge their respective Debts at Home within the Times therein limited, and prescribes the Mode for raising Money amongst their respective Members.

Old Company to assign their Credits at home before they surrender their Charter,

4. The Old Company were to assign to the Queen such Debts, due to them in *Great Britain*, as they should not be able to get in before the Time appointed for the Surrender of their Charters

that the same may be granted to Trustees for their use.

Members of the Old Company to be admitted of the New Company for their Shares of Stock.

The Old Company to surrender their Charters before 25th of March, 1709. Security taken for their so doing.

Confirmation of Indenture Tripartite.

The Award to be made a Decree in Chancery.

An Election of Directors for united trade, fixed for 14 April, 1709.

ters, in order to their being re-granted to Trustees for the Benefit of the Members of the said Old Company, in Proportion to their respective Interests.

5. The Old Company were also directed to transfer to the respective Members of their Company, their respective Shares in the capital Stock of the New Company, who were thereupon to be admitted Members of the New Company.

6. The Old Company were to surrender to the Queen all their Charters of Incorporation, &c. on or before the Twenty-fifth of *March*, 1709. And for insuring the due Performance of this Article, certain Bonds agreed to be granted by the New Company, to the Members of the Old Company, (being Part of their additional Stock of *£70 per Cent.* and which had been agreed to be refunded, amounting to £70,000) were made liable to Forfeiture.

7. All Covenants contained in the before Abstracted Indenture Tripartite, not altered by the Award, were adjudged to be in full Force.

8. It was declared, that the Award should be made a Decree of the Court of Chancery, by Consent of both Companies.

And lastly, That the First Election of Directors for the United Companies should be made on the Fourteenth of *April*, next ensuing the Date of the Award.

Deed of Surrender by the Old Company to Queen Anne *of their Charters, and Corporate Capacity, dated 22nd* March, 1709.

The Abstract.

The Old Company surrender all their Charters and Corporate Capacities.

BY Deed Poll inrolled in Chancery the Old Company, in pursuance of Lord *Godolphin's* Award, and for the entire Extinguishment of their Corporate Capacity, granted, surrendered, yielded, and gave up to the Queen, her Heirs and Successors, their Corporate Capacity, or Body Politick, of *Governor and Company of Merchants of* London *trading into the* East Indies, and all their Charters, Capacities, Powers, and Rights whatever, for acting as or continuing to be a Body Politick or Corporate, by Virtue of any Acts of Parliament, Letters Patent, or Charters whatever.

A

COLLECTION

OF

STATUTES

RELATING TO THE

EAST-INDIA COMPANY.

Anno vicesimo septimo

HENRICI VIII. Regis.

CAP. IV.

For Pirates and Robbers on the Sea.

WHERE Pirates, Thieves, Robbers and Murtherers upon the Sea, many Times escape unpunished, because the Trial of their Offences hath heretofore been ordered before the Admiral, or his Lieutenant or Commissary, after the Course of the civil Laws, the Nature whereof is, that before any Judgment of Death can be given against the Offenders, either they must plainly confess their Offence, (which they will never do without Torture or Pains), or else their Offences be so plainly and directly proved by Witnesses indifferent, such as saw their Offences committed, which cannot be gotten but by Chance at few Times, because such Offenders commit their Offences upon the Sea, and at many Times murther and kill such Persons being in the Ship or Boat where they commit their Offences, which should bear witness against them in that Behalf, and also such as should bear witness be commonly Mariners and Shipmen, which for the most Part cannot be gotten ne had always ready to testify such Offences, because of their often Voyages and Passages in the Seas, without long tarrying or protraction of Time, and great Costs and Charges, as well of the King's Highness, as of such as would pursue such Offenders: For Reformation whereof, be it enacted by Authority of this present Parliament, That all such Offences done in or upon the Sea, or in any other Haven, River, or Creek where the Admiral or Admirals pretend to have Jurisdiction, shall be inquired, tried, heard and determined in such Shires and Places in this Realm, as shall be limited by the King's Commission to be directed for the same, in like Form and Condition as if such Offences had been done on the Land; and that such Commissions shall be had under the King's Great Seal, directed to the Lord Admiral or Admirals, or to his or their Lieutenant, Deputy or Deputies, and to three or four such other substantial Persons as shall be named by the Lord Chancellor for the Time being, as often as Need shall require, to hear and determine such Offences after the common Course of the Laws of the Land used for Felonies done and committed within this Realm.

Before what Persons Offences committed upon the Sea shall be heard and determined.

II. And be it enacted by the Authority aforesaid, That such Persons to whom such Commissions shall be directed, or three of them at the least, shall have full Power and Authority to inquire of such Offences, by the Oaths of twelve good and lawful Men inhabited in the Shire limited in their

By what Jurors the same Offences shall be inquired of.

Commission, in such like Manner and Form as if such Offences had been committed upon the Land within the same Shire; and that every Indictment found and presented before such Commissioners, of any Felonies, Robberies, Murthers or Manslaughters done upon the Seas, or in or upon any other Haven, River or Creek, shall be good and effectual in the Law; and if any Person or Persons happen to be indicted for any such Offence done or hereafter to be done upon the Seas, or in any other Places above limited, that then such Order, Process, Judgment and Execution shall be used, had, done and made, to and against every such Person and Persons so being indicted, as against Felons and Murtherers for Murther or Felony done upon the Land, as by the Laws of this Realm is accustomed; and that the trial of such Offence, if it be denied by the Offenders, shall be had by twelve Men inhabited in the Shire limited within such Commission, which shall be directed as is aforesaid, and no Challenge to be had for the Hundred; and such as shall be convict of any such Offence, by Verdict, Confession or Process, by Authority of any such Commission, shall have and suffer such Pains of Death, Losses of Lands, Goods and Chattels, as if they had been convict of any Felonies or Murthers done upon the Lands.

The Trial, Judgment and Forfeiture of Offenders in Piracy.

III. And be it enacted by Authority aforesaid, That for Robberies, Felonies and Murthers done upon the Seas, or in any other Places above rehearsed, the Offenders shall not be admitted to have the Benefit of their Clergy, but be utterly excluded thereof, and also the Privilege of any Sanctuary.

Clergy shall not be allowed to Pirates. 1 Haw. P. C. 37 Vin. Ab. v. 16. 346 to 353.

IV. Provided alway, That this Act extend not to be prejudicial or hurtful to any Person or Persons for taking of any Victuals, Cables, Ropes, Anchors or Sails, which any such Person or Persons, compelled by Necessity, taketh of or in any other Ship, which may conveniently spare the same, so that the same Person or Persons pay out of Hand for the same Victual, Cables, Ropes, Anchors or Sails, Money or Money-worth, to the Value of the Thing so taken, or deliver for the same a sufficient Bill obligatory to be paid in Form following; that is to say, if the taking of the same Things be on this Side the Straits of *Marrock*, then to be paid within four Months; and if it be beyond the Straits of *Marrock*, then to be paid within twelve Months next ensuing the making of such Bills; and that the Makers of such Bills well and truly pay the same Debt at the Day to be limited within the said Bills.

Things taken upon the Sea by Necessity.

V. Provided alway, That whensoever any such Commission for the Punishment of the Offences aforesaid shall be directed or sent to any Place within the Jurisdiction of the Five Ports, that then every such Commission shall be directed unto the Lord Warden of the same Ports for the Time being, or to his Deputy, and unto three or four such other Person or Persons, as the Lord Chancellor for the Time being shall name and appoint; any Thing in this present Act to the contrary thereof in any wise notwithstanding.

Commissions directed into the Five Ports.

VI. Provided also, That whensoever any Commission shall be directed into the Five Ports for the Inquisition and Trial of any of the Offences expressed in this Act, that every such Inquisition and Trial to be had by Virtue of such Commission, shall be made and had by the Inhabitants in the said Five Ports, or the Members of the same; any Thing in this Act to the contrary thereof notwithstanding.

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28 HENRICI VIII. Cap. XV.

For Pirates.

Mod. Cases in Law 74. 3 Inst. 48, 111, 112. 13 Co. 53. 1 Roll 175. Hale's P. C. vol. 1. 355. Vin. Abr. v. 16. 331.

WHERE Traitors, Pirates, Thieves, Robbers, Murtherers and Confederates upon the Sea, many Times escaped unpunished, because the Trial of their Offences hath heretofore been ordered, judged and determined before the Admiral, or his Lieutenant or Commissary, after the Course of the civil Laws, the Nature whereof is, that before any Judgment of Death can be given against the Offenders, either they must plainly confess their Offences (which they will never do without Torture or Pains), or else their Offences be so plainly and directly proved by Witness indifferent, such as saw their Offences committed, which cannot be gotten but by Chance at few Times, because such Offenders commit their Offences upon the Sea, and at many Times murther and kill such Persons being in the Ship or Boat where they commit their Offences, which should witness against them in that Behalf; and also such as should bear witness be commonly Mariners and Shipmen, which, because of their often Voyages and Passages in the Seas, depart without long Tarrying and Protraction of Time, to the great Costs and Charges, as well of the King's Highness,

Highness, as such as would pursue such Offenders: For Reformation whereof, be it enacted by the Authority of this present Parliament, That all Treasons, Felonies, Robberies, Murthers and Confederacies hereafter to be committed in or upon the Sea, or in any other Haven, River, Creek or Place where the Admiral or Admirals have or pretend to have Power, Authority or Jurisdiction, shall be inquired, tried, heard, determined and judged, in such Shires and Places in the Realm, as shall be limited by the King's Commission or Commissions to be directed for the same, in like Form and Condition, as if any such Offence or Offences had been committed or done in or upon the Land; and such Commissions shall be had under the King's Great Seal, directed to the Admiral or Admirals, or to his or their Lieutenant, Deputy and Deputies, and to three or four such other substantial Persons, as shall be named or appointed by the Lord Chancellor of *England* for the Time being, from Time to Time, and as oft as Need shall require, to hear and determine such Offences after the common Course of the Laws of this Realm, used for Treasons, Felonies, Murthers, Robberies, and Confederacies of the same, done and committed upon the Land within this Realm.

Trial of Offences committed upon the Sea, or within the Admiral's Jurisdiction, by the King's Commission. Altered by 11 & 12 W. 3. c. 7. 3 Inst. 147. Hob. 146. Dyer 211. pl. 33.

II. And be it enacted by the Authority aforesaid, That such Persons to whom such Commission or Commissions shall be directed, or four of them at the least, shall have full Power and Authority to inquire of such Offences, and every of them, by the Oaths of twelve good and lawful Inhabitants in the Shire limited in their Commission, in such like Manner and Form, as if such Offences had been committed upon the Land within the same Shire; and that every Indictment found and presented before such Commissioners, of any Treasons, Felonies, Robberies, Murthers, Manslaughters, or such other Offences, being committed or done in or upon the Seas, or in or upon any other Haven, River or Creek, shall be good and effectual in the Law; and if any Person or Persons happen to be indicted for any such Offence done or hereafter to be done upon the Seas, or in any other Place above limited, that then such Order, Process, Judgment and Execution shall be used, had, done and made, to and against every such Person and Persons so being indicted, as against Traitors, Felons and Murtherers, for Treason, Felony, Robbery, Murther, or other such Offences done upon the Land, as by the Laws of this Realm is accustomed; and that the Trial of such Offence or Offences, if it be denied by the Offender or Offenders, shall be had by twelve lawful Men inhabited in the Shire limited within such Commission, which shall be directed as is aforesaid, and no Challenge or Challenges to be had for the Hundred; and such as shall be convict of any such Offence or Offences, by Verdict, Confession or Process, by Authority of any such Commission, shall have and suffer such Pains of Death, Losses of Lands, Goods and Chattels, as if they had been attainted and convicted of any Treasons, Felonies, Robberies, or other the said Offences done upon the Lands.

The Commissioners authority. 1 Leon. 206, 270. 3 Bulst. 28, 29.

The Punishment of Offenders. 1 Salk. 85. Co. Lit. 391. a.

III. And be it enacted by the Authority aforesaid, That for Treasons, Robberies, Felonies, Murthers and Confederacies done upon the Sea or Seas, or in any Place above rehearsed, the Offenders shall not be admitted to have the Benefit of his or their Clergy, but be utterly excluded thereof and from the same, and also of the Privilege of any Sanctuary.

Moor 756. pl. 1044.

IV. Provided alway, That this Act extend not to be prejudicial or hurtful to any Person or Persons for taking any Victual, Cables, Ropes, Anchors or Sails, which any such Person or Persons (compelled by Necessity) taketh of or in any Ship which may conveniently spare the same, so the same Person or Persons pay out of Hand for the same Victual, Cables, Ropes, Anchors or Sails, Money or Money-worth to the Value of the Thing so taken, or do deliver for the same a sufficient Bill obligatory to be paid in Form following, that is to say; If the taking of the same Things be on this Side the Straits of *Marrock*, then to be paid within four Months, and if it be beyond the said Straits of *Marrock*, then to be paid within twelve Months next ensuing the making of such Bills, and that the Makers of such Bills well and truly pay the same Debt at the Day to be limited within the said Bills.

Taking of Things that may be spared upon Necessity, and paying for them.

V. Provided alway, That whensoever any such Commission for the Punishment of the Offences aforesaid, or of any of them, shall be directed or sent to any Place within the Jurisdiction of the Five Ports, that then every such Commission shall be directed unto the Lord Warden of the said Ports for the Time being, or to his Deputy, and unto three or four such other Person or Persons as the Lord Chancellor for the Time being shall name and appoint; any Thing in this present Act to the contrary notwithstanding.

Commissions directed into any Place within the Five Ports.

VI. Provided alway, That whensoever any Commission shall be directed unto the Five Ports for the Inquisition and Trials of any of the Offences expressed in this Act, that every such Inquisition and Trial to be had by Virtue of such Commission, shall be made and had by the Inhabitants in the said Five Ports, or the Members of the same; any Thing in this Act to the contrary thereof notwithstanding.

27 H. 8. c. 4. 1 Geo. 1. stat. 2 c. 25. 4 Geo. 1 c. 11. 8 Geo. 1. c. 24, 28. 18 Geo. 2. c. 30.

Anno duodecimo

CAROLI II. Regis.

CAP. XVIII.

Shipping and Navigation encouraged.

21 Geo. 3. c. 65. sect. 33, the East-India Company's Ships are declared to be within the Intent of this Act.

No Goods shall be imported into or exported from the Possessions of his Majesty in Asia, Africa, or America, but in English Ships.

Penalty.

FOR the Increase of Shipping, and Encouragement of the Navigation of this Nation, wherein, under the good Providence and Protection of God, the Wealth, Safety, and Strength of this Kingdom is so much concerned, be it enacted by the King's Most Excellent Majesty, and by the Lords and Commons in this present Parliament assembled, and by the Authority thereof, That, from and after the first Day of *December*, one thousand six hundred and sixty, and from thenceforward, no Goods or Commodities whatsoever shall be imported into, or exported out of any Lands, Islands, Plantations, or Territories to His Majesty belonging, or in his Possession, or which may hereafter belong unto, or be in the Possession of his Majesty, his Heirs and Successors, in *Asia*, *Africa*, or *America*, in any other Ship or Ships, Vessel or Vessels whatsoever, but in such Ships or Vessels as do truly and without Fraud belong only to the People of *England* or *Ireland*, Dominion of *Wales*, or Town of *Berwick upon Tweed*, or are of the Built of, and belonging to any the said Lands, Islands, Plantations, or Territories, as the Proprietors and right Owners thereof, and whereof the Master and three-fourths of the Mariners at least are *English*, under the Penalty of the Forfeiture and Loss of all the Goods and Commodities which shall be imported into, or exported out of any the aforesaid Places in any other Ship or Vessel, as also of the Ship or Vessel, with all its Guns, Furniture, Tackle, Ammunition, and Apparel; one third Part thereof to his Majesty, his Heirs and Successors; one third Part to the Governor of such Land, Plantation, Island, or Territory, where such Default shall be committed, in case the said Ship or Goods be therer seized, or otherwise that third Part also to his Majesty, his Heirs and Successors; and the othe third Part to him or them who shall seize, inform, or sue for the same in any Court of Record, by Bill, Information, Plaint, or other Action, wherein no Essoin, Protection, or Wager of Law, shall be allowed; and all Admirals, and other Commanders at Sea of any the Ships of War, or other Ship, having Commission from his Majesty, or from his Heirs or Successors, are hereby authorised and strictly required to seize and bring in as Prize all such Ships or Vessels as shall have offended contrary hereunto, and deliver them to the Court of Admiralty, there to be proceeded against; and in case of Condemnation, one Moiety of such Forfeitures shall be to the Use of such Admirals or Commanders and their Companies, to be divided and proportioned amongst them according to the Rules and Orders of the Sea in case of Ships taken Prize; and the other Moiety to the Use of his Majesty, his Heirs and Successors.

Aliens shall not exercise the Occupation of Merchants or Factors.

II. And be it enacted, That no Alien or Person not born within the Allegiance of our Sovereign Lord the King, his Heirs and Successors, or naturalized, or made a free Denizen, shall, from and after the first Day of *February*, which will be in the Year of our Lord one thousand six hundred and sixty-one, exercise the Trade or Occupation of a Merchant or Factor in any the said Places, upon Pain of the Forfeiture and Loss of all his Goods and Chattels, or which are in his Possession, one third to his Majesty, his Heirs and Successors; one third to the Governor of the Plantation where such Person shall so Offend; and the other third to him or them that shall inform or sue for the same in any of his Majesty's Courts in the Plantation where such Offence shall be committed: And all Governors of the said Lands, Islands, Plantations, or Territories, and every of them, are hereby strictly required and commanded, and all who hereafter shall be made Governors of any such Islands, Plantations, or Territories, by his Majesty, his Heirs or Successors, shall before their Entrance into their Government take a solemn Oath to do their utmost, that every the afore-mentioned Clauses, and all the Matters and Things therein contained, shall be punctually and *bonâ fide* observed, according to the true Intent and Meaning thereof: And upon Complaint and Proof made before his Majesty, his Heirs or Successors, or such as shall be by him or them thereunto authorised and appointed, that any the said Governors have been willingly and wittingly negligent in doing their Duty accordingly, that the said Governor so offending shall be removed from his Government.

Governors, &c. of Plantations to take an Oath for the Observance of the afore-mentioned Clauses.

No Goods shall be imported from Africa, Asia, or America, but in

III. And it is further enacted by the Authority aforesaid, That no Goods or Commodities whatsoever of the Growth, Production, or Manufacture of *Africa*, *Asia*, or *America*, or of any Part thereof, or which are described or laid down in the usual Maps or Cards of those Places, be imported into *England*, *Ireland*, or *Wales*, Islands of *Guernsey* and *Jersey*, or Town of *Berwick upon*

upon Tweed, in any other Ship or Ships, Vessel or Vessels whatsoever, but in such as do truly and without Fraud belong only to the People of *England* or *Ireland*, Dominion of *Wales*, or Town of *Berwick upon Tweed*, or of the Lands, Islands, Plantations, or Territories in *Asia*, *Africa*, or *America*, to his Majesty belonging, as the Proprietors and right Owners thereof, and whereof the Master and three-fourths at least of the Mariners are *English*, under the Penalty of the Forfeiture of all such Goods and Commodities, and of the Ship or Vessel in which they were imported, with all her Guns, Tackle, Furniture, Ammunition, and Apparel; one Moiety to his Majesty, his Heirs and Successors; and the other Moiety to him or them who shall seize, inform, or sue for the same in any Court of Record, by Bill, Information, Plaint, or other Action, wherein no Essoin, Protection, or Wager of Law, shall be allowed.

Vessels belonging to his Majesty's Subjects. See 19 Geo. 3. c. 48, sect. 1, for Explanation.

The Penalty.

IV. And it is further enacted by the Authority aforesaid, That no Goods or Commodities that are of foreign Growth, Production, or Manufacture, and which are to be brought into *England*, *Ireland*, *Wales*, the Islands of *Guernsey* and *Jersey*, or Town of *Berwick upon Tweed*, in *English*-built Shipping, or other Shipping belonging to some of the aforesaid Places, and navigated by *English* Mariners as aforesaid, shall be shipped or brought from any other Place or Places, Country or Countries, but only from those of the said Growth, Production, or Manufacture, or from those Ports where the said Goods and Commodities can only, or are, or usually have been first shipped for Transportation, and from none other Places or Countries, under the Penalty of the Forfeiture of all such of the aforesaid Goods, as shall be imported from any other Place or Country, contrary to the true Intent and Meaning hereof, as also of the Ship in which they were imported, with all her Guns, Furniture, Ammunition, Tackle, and Apparel, one Moiety to his Majesty, his Heirs and Successors; and the other Moiety to him or them that shall seize, inform, or sue for the same in any Court of Record, to be recovered as is before expressed.

No Goods of foreign Growth or Manufacture shall be brought into England, &c. in English Ships, but only from the Places of their said Growth, &c.

V. And it is further enacted by the Authority aforesaid, That any Sort of Ling, Stockfish, Pilchard, or any other Kind of dried or salted Fish, usually fished for and caught by the People of *England*, *Ireland*, *Wales*, Town of *Berwick upon Tweed*, or any Sort of Codfish or Herring, or any Oil or Blubber made or that shall be made of any Kind of Fish whatsoever, or any Whale-fins or Whale-bones, which shall be imported into *England*, *Ireland*, *Wales*, or Town of *Berwick upon Tweed*, not having been caught in Vessels truly and properly belonging thereunto as Proprietors and right Owners thereof, and the said Fish cured, saved, and dried, and the Oil and Blubber aforesaid (which shall be accompted and pay as Oil) not made by the People thereof, and shall be imported into *England*, *Ireland*, or *Wales*, or Town of *Berwick upon Tweed*, shall pay double Aliens' Custom.

All Ling, Stockfish, &c. Oil, &c. Whalefins, &c. imported, not caught in Vessels of the Proprietors themselves, &c. shall pay double Aliens' Custom.

VI. And be it further enacted by the Authority aforesaid, That from henceforth it shall not be lawful for any Person or Persons whatsoever, to load or cause to be loaden and carried in any Bottom or Bottoms, Ship or Ships, Vessel or Vessels whatsoever, whereof any Stranger or Strangers born (unless such as shall be Denizens or naturalized) be Owners, Part-owners, or Master, and whereof three-fourths of the Mariners at least shall not be *English*, any Fish, Victual, Wares, Goods, Commodities, or Things of what Kind or Nature soever the same shall be, from one Port or Creek of *England*, *Ireland*, *Wales*, Islands of *Guernsey* or *Jersey*, or Town of *Berwick upon Tweed*, to another Port or Creek of the same, or of any of them, under Penalty for every one that shall offend contrary to the true Meaning of this Branch of this present Act, to forfeit all such Goods as shall be loaden and carried in any such Ship or Vessel, together with the Ship or Vessel, and all her Guns, Ammunition, Tackle, Furniture, and Apparel, one Moiety to his Majesty, his Heirs and Successors, and the other Moiety to him or them that shall inform, seize, or sue for the same in any Court of Record, to be recovered in Manner aforesaid.

No Goods to be laden or carried from one Port of England to another in the Vessel of any Alien not Denizend, &c.

The Penalty.

VII. And it is further enacted by the Authority aforesaid, That where any Ease, Abatement, or Privilege is given in the Book of Rates to Goods or Commodities imported or exported in *English*-built Shipping, that is to say, Shipping built in *England*, *Ireland*, *Wales*, Islands of *Guernsey* or *Jersey*, or Town of *Berwick upon Tweed*, or in any the Lands, Islands, Dominions, and Territories to his Majesty in *Africa*, *Asia*, or *America*, belonging or in his Possession, That it is always to be understood and provided that the Master and three-fourths of the Mariners of the said Ships, at least, be also *English*; and that where it is required that the Master and three-fourths of the Mariners be *English*, that the true Intent and Meaning thereof is, that they should be such during the whole Voyage, unless in case of Sickness, Death, or being taken Prisoners in the Voyage, to be proved by the Oath of the Master or other Chief Officer of such Ships.

Eases and Abatement in the Book of Rates to extend only where three Parts of the Mariners be English.

VIII. And it is further enacted by the Authority aforesaid, That no Goods or Commodities, of the Growth, Production, or Manufacture of *Muscovy*, or of any the Countries, Dominions, or Territories to the great Duke or Emperor of *Muscovy* or *Russia*, belonging, as also that no Sorts

Goods of the Growth or Manufacture of Muscovy or Russia.

of Masts, Timber, or Boards, no foreign Salt, Pitch, Tar, Rosin, Hemp, or Flax, Raisins, Figs, Prunes, Olive Oils, no Sorts of Corn or Grain, Sugar, Pot-ashes, Wines, Vinegar, or Spirits called *Aquavitæ* or *Brandy Wine*, shall from and after the first Day of *April*, which shall be in the Year of our Lord one thousand six hundred and sixty-one, be imported into *England*, *Ireland*, *Wales*, or Town of *Berwick upon Tweed*, in any Ship or Ships, Vessel or Vessels whatsoever, but in such as do truly and without Fraud belong to the People thereof, or of some of them, as the true Owners and Proprietors thereof, and whereof the Master and three-fourths of the Mariners at least are *English*, and that no Currants nor Commodities of the Growth, Production, or Manufacture of any the Countries, Islands, Dominions, or Territories to the *Othoman* or *Turkish* Empire belonging, shall from and after the first Day of *September*, which shall be in the Year of our Lord one thousand six hundred and sixty-one, be imported into any the forementioned Places in any Ship or Vessel, but which is of *English*-built, and navigated as aforesaid, and in no other; except only such foreign Ships and Vessels as are of the Built of that Country or Place of which the said Goods are the Growth, Production, or Manufacture respectively, or of such Port where the said Goods can only be, or most usually are first shipped for Transportation, and whereof the Master and three-fourths of the Mariners at least are of the said Country or Place, under the Penalty and Forfeiture of Ship and Goods, to be disposed and recovered as in the foregoing Clause.

Othoman or Turkish Empire.

Frauds in concealing Aliens' Goods how to be prevented.

IX. Provided always, and be it hereby enacted by the Authority aforesaid, That for the Prevention of the great Frauds daily used in colouring and concealing of Aliens' Goods, all Wines of the Growth of *France* or *Germany*, which from and after the twentieth Day of *October*, one thousand six hundred and sixty, shall be imported into any the Ports or Places aforesaid, in any other Ship or Vessel than which doth truly and without Fraud belong to *England*, *Ireland*, *Wales*, or Town of *Berwick upon Tweed*, and navigated with the Mariners thereof, as aforesaid, shall be deemed Aliens' Goods, and pay all Strangers' Customs and Duties to his Majesty, his Heirs and Successors, as also to the Town or Port into which they shall be imported; and that all Sorts of Masts, Timber, or Boards, as also all foreign Salt, Pitch, Tar, Rosin, Hemp, Flax, Raisins, Figs, Prunes, Olive Oils, all Sorts of Corn or Grain, Sugar, Pot-ashes, Spirits commonly called *Brandy Wine* or *Aquavitæ*, Wines of the Growth of *Spain*, the Islands of the *Canaries* or *Portugal*, *Madera* or *Western Islands*, and all Goods of the Growth, Production, or Manufacture of *Moscovy* or *Russia*, which from and after the first Day of *April*, which shall be in the Year of our Lord one thousand six hundred and sixty-one, shall be imported into any of the aforesaid Places in any other than such Shipping, and so navigated, and all Currants and *Turkey* Commodities which from and after the first Day of *September*, one thousand six hundred and sixty-one, shall be imported into any the Places aforesaid, in any other than *English*-built Shipping, and navigated as aforesaid, shall be deemed Aliens' Goods, and pay accordingly to his Majesty, his Heirs and Successors, and to the Town or Port into which they shall be imported.

How to prevent Frauds in colouring and buying foreign Ships.

X. And, for Prevention of all Frauds which may be used in colouring or buying of foreign Ships, be it enacted by the Authority aforesaid, and it is hereby enacted, That from and after the first Day of *April*, which shall be in the Year of our Lord one thousand six hundred and sixty-one, no foreign-built Ship or Vessel whatsoever shall be deemed or pass as a Ship to *England*, *Ireland*, *Wales*, or Town of *Berwick*, or any of them, belonging, or enjoy the Benefit or Privilege of such a Ship or Vessel, until such Time that he or they claiming the said Ship or Vessel to be theirs, shall make appear to the Chief Officer or Officers of the Customs in the Port next to the Place of his or their Abode, that he or they are not Aliens, and shall have taken an Oath before such Chief Officer or Officers, who are hereby authorised to administer the same, that such Ship or Vessel was *bonâ fide*, and without Fault, by him or them bought for a valuable Consideration, expressing the Sum, as also the Time, Place, and Persons from whom it was bought, and who are his Part-owners (if he have any), all which Part-owners shall be liable to take the said Oath before the Chief Officer or Officers of the Custom House of the Port next to the Place of their Abode, and that no Foreigner directly or indirectly hath any Part, Interest, or Share therein; and that upon such Oath he or they shall receive a Certificate under the Hand and Seal of the said Chief Officer or Officers of the Port where such Person or Persons so making Oath do reside, whereby such Ship or Vessel may for the future pass and be deemed as a Ship belonging to the said Port, and enjoy the Privilege of such a Ship or Vessel, and the said Officer or Officers shall keep a Register of all such Certificates as he or they shall so give, and return a Duplicate thereof to the Chief Officers of the Customs at *London* for such as shall be granted in *England*, *Wales*, and *Berwick*, and to the Chief Officers of the Customs at *Dublin* for such as shall be given in *Ireland*, together with the Names of the Person or Persons from whom such Ship was bought, and the Sum of Money which was paid for her, as also the Names of all such Persons who are Part-owners of her, if any such be.

XI. And

Officers of the Customs not to allow any Privilege to any foreign-built Ship, until Certificate or Proof, &c.

XI. And be it further enacted by the Authority aforesaid, That if any Officer of the Customs shall, from and after the said first Day of *April*, allow the Privilege of being a Ship or Vessel to *England*, *Ireland*, *Wales*, or Town of *Berwick*, or any of them, belonging to any foreign-built Ship or Vessel, until such Certificate be before them produced, or such Proof and Oath taken before them; or if any Officer of the Customs shall allow the Privilege of an *English*-built Ship, or other Ship to any the aforesaid Places belonging, to any *English* or foreign-built Ship coming into any Port, and making Entry of any Goods, until Examination whether the Master and three-fourths of the Mariners be *English*, or shall allow to any foreign-built Ship, bringing in the Commodities of the Growth of the Country where it was built, the Privilege by this Act to such Ship given, until Examination and Proof whether it be a Ship of the Built of that Country, and that the Master and three-fourths of the Mariners are of that Country; or if any Person who is or shall be made Governor of any Lands, Islands, Plantations, or Territories in *Africa*, *Asia*, or *America*, by his Majesty, his Heirs or Successors, shall suffer any foreign-built Ship or Vessel to load or unload any Goods or Commodities within the Precincts of their Governments, until such Certificate be produced before them, or such as shall be by them appointed to view the same, and Examination whether the Master and three-fourths of the Mariners at least be *English*, that for the first Offence such Officer of the Customs, and Governors, shall be put out of their Places, Offices, or Governments.

Proviso for Goods of the Streights or Levant.

XII. Provided always, That this Act, or any Thing therein contained, extend not, or be meant to restrain and prohibit the Importation of any the Commodities of the *Streights*, or *Levant* Seas, loaden in *English*-built Shipping, and whereof the Master and three-fourths of the Mariners at least are *English*, from the usual Ports or Places for lading of them heretofore within the said *Streights* or *Levant* Seas, though the said Commodities be not of the very Growth of the said Places.

East-India Commodities.

XIII. Provided also, That this Act, or any Thing therein contained, extend not, or be meant to restrain the importing of any *East-India* Commodities, loaden in *English*-built Shipping, and whereof the Master and three-fourths of the Mariners at least are *English*, from the usual Place or Places for lading of them in any Part of those Seas, to the Southward and Eastward of *Cabo Bona Speranza*, although the said Ports be not the very Places of their Growth.

Proviso for Goods imported from Spain, Portugal, Azores, Madera, or Canary Islands.

XIV. Provided also, That it shall and may be lawful to and for any of the People of *England*, *Ireland*, *Wales*, Islands of *Guernsey* or *Jersey*, or Town of *Berwick upon Tweed*, in Vessels or Ships to them belonging, and whereof the Master and three-fourths of the Mariners at least are *English*, to load and bring in from any of the Ports of *Spain* or *Portugal*, or *Western Islands*, commonly called *Azores* or *Madera* or *Canary Islands*, all Sorts of Goods or Commodities of the Growth, Production, or Manufacture of the Plantations or Dominions of either of them respectively.

Proviso for Bullion, and Goods taken by way of Reprisal.

XV. Provided, That this Act, or any Thing therein contained, extend not to Bullion, nor yet to any Goods taken, or that shall be *bonâ fide* taken by way of Reprisal by any Ship or Ships belonging to *England*, *Ireland*, or *Wales*, Islands of *Guernsey* or *Jersey*, or Town of *Berwick upon Tweed*, and whereof the Master and three-fourths of the Mariners at least are *English*, having Commission from his Majesty, his Heirs or Successors.

Proviso concerning Goods of Scotland.

XVI. Provided always, That this Act, or any Thing therein contained, shall not extend, or be construed to extend, to lay Aliens' Duties upon any Corn of the Growth of *Scotland*, or to any Salt made in *Scotland*, nor to any Fish caught, saved and cured by the People of *Scotland*, and imported directly from *Scotland* in *Scotch*-built Ships, and whereof the Master and three-fourths of the Mariners are of his Majesty's Subjects, nor to any Seal Oil of *Russia*, imported from thence into *England*, *Ireland*, *Wales*, or Town of *Berwick upon Tweed*, in Shipping *bonâ fide* to some of the said Places belonging, and whereof the Master and three-fourths of the Mariners at least are *English*.

Goods of Russia.

The Duty payable upon Goods in French Ships.

XVII. Provided also, and it is hereby enacted, That every Ship or Vessel belonging to any the Subjects of the *French* King, which from and after the twentieth Day of *October*, in the Year of our Lord one thousand six hundred and sixty, shall come into any Port, Creek, Harbour, or Road, of *England*, *Ireland*, *Wales*, or Town of *Berwick upon Tweed*, and shall there lade or unlade any Goods or Commodities, or take in or set on Shore any Passengers, shall pay to the Collector of his Majesty's Customs in such Port, Creek, Harbour, or Road, for every Ton of which the said Ship or Vessel is of Burthen, to be computed by such Officer of the Customs as shall be thereunto appointed, the Sum of five Shillings current Money of *England*. And that no such Ship or Vessel be suffered to depart out of such Port, Creek, Harbour, or Road, until the said

Duty

How long to continue.

Duty be fully paid; and that this Duty shall continue to be collected, levied, and paid, for such Time, as a certain Duty of fifty Solls *per* Ton lately imposed by the *French* King, or any Part thereof, shall continue to be collected upon the Shipping of *England* lading in *France*, and three Months after, and no longer.

Sugars, Tobacco, &c. of the Growth of America, Asia, or Africa.

XVIII. And it is further enacted by the Authority aforesaid, That from and after the first Day of *April*, which shall be in the Year of our Lord one thousand six hundred and sixty-one, no Sugars, Tobacco, Cotton Wool, Indigoes, Ginger, Fustick, or other dying Wood, of the Growth, Production, or Manufacture of any *English* Plantations in *America*, *Asia*, or *Africa*, shall be shipped, carried, conveyed, or transported from any of the said *English* Plantations to any Land, Island, Territory, Dominion, Port, or Place whatsoever, other than to such other *English* Plantations as do belong to his Majesty, his Heirs and Successors, or to the Kingdom of *England* or *Ireland*, or Principality of *Wales*, or Town of *Berwick upon Tweed*, there to be laid on Shore, under the Penalty of the Forfeiture of the said Goods or the full Value thereof, as also of the Ship, with all her Guns, Tackle, Apparel, Ammunition, and Furniture, the one Moiety to the King's Majesty, his Heirs and Successors, and the other Moiety to him or them that shall seize, inform, or sue for the same in any Court of Record, by Bill, Plaint, or Information, wherein no Essoin, Protection, or Wager of Law, shall be allowed.

Ships of England, Ireland, or Wales, sailing to any English Plantation in America, Asia, or Africa, shall be bound with Sureties to bring Goods there loaded into England, &c.

XIX. And be it further enacted by the Authority aforesaid, That for every Ship or Vessel, which from and after the five and twentieth Day of *December*, in the Year of our Lord one thousand six hundred and sixty, shall set sail out of or from *England*, *Ireland*, *Wales*, or Town of *Berwick upon Tweed*, for any *English* Plantation in *America*, *Asia*, or *Africa*, sufficient Bond shall be given with one Surety to the Chief Officers of the Custom House of such Port or Place from whence the said Ship shall set sail, to the Value of one thousand Pounds, if the Ship be of less Burthen than one hundred Tons; and of the Sum of two thousand Pounds, if the Ship shall be of greater Burthen, that in case the said Ship or Vessel shall load any of the said Commodities at any of the said *English* Plantations, that the same Commodities shall be by the said Ship brought to some Port of *England*, *Ireland*, *Wales*, or to the Port or Town of *Berwick upon Tweed*, and shall there unload and put on Shore the same, the Danger of the Seas only excepted: And for all Ships coming from any other Port or Place to any of the aforesaid Plantations, who by this Act are permitted to trade there, that the Governor of such *English* Plantations shall, before the said Ship or Vessel be permitted to load on board any of the said Commodities, take Bond in Manner and to the Value aforesaid for each respective Ship or Vessel, that such Ship or Vessel shall carry all the aforesaid Goods that be laden on board in the said Ship to some other of his Majesty's *English* Plantations, or to *England*, *Ireland*, *Wales*, or Town of *Berwick upon Tweed*: And that every Ship or Vessel, which shall load or take on board any of the aforesaid Goods, until such Bond given to the said Governor, or Certificate produced from the Officers of any Custom House of *England*, *Ireland*, *Wales*, or of the Town of *Berwick*, that such Bond have been there duly given, shall be forfeited, with all her Guns, Tackle, Apparel, and Furniture, to be employed and recovered in Manner as aforesaid; and the said Governors, and every of them, shall, twice in every Year, after the first Day of *January*, 1660, return true Copies of all such Bonds by him so taken to the Chief Officers of the Custom in *London*. St. 13 Car. 2. Cap. 14.

Ships coming from other Places to any of those Plantations.

Bonds to be sent to the Custom in London twice a Year.

13 & 14 CAROLI II. Cap. XXIV.

An Act declaratory concerning Bankrupts.

[So much thereof as relates to the *East-India Company*.]

WHEREAS divers Noblemen, Gentlemen, and Persons of Quality, no ways bred up to Trade or Merchandize, do oftentimes put in great Stocks of Money into the *East-India* Company or *Guiney* Company, and the fishing Trade, and such other public Societies, and receive the Procede of those Stocks sometimes in ready Monies, sometimes in Commodities, which they usually sell for Money, or exchange again; by which means the Trade of those Companies is much encouraged, Fishing and Navigation increased, and the public Good of the whole Kingdom very much advanced:

II. Notwithstanding which great Advantages to the Public, there hath been lately some Opinion conceived, that such Persons may and ought to be made subject to the Statutes provided against Bankrupts:

34 & 35 H. 8. c. 4. 13 Eliz. c. 7. 1 Jac. 1. c. 15. 21 Jac. 1. c. 29. March 34.

III. For the better declaring and explaining the Law therein, and to the End such Persons may not be discouraged in those honourable Endeavours for promoting public Undertakings; (2) be it declared and enacted by the King's most Excellent Majesty, with the Advice and Assent of the Lords Spiritual and Temporal, and the Commons, in this present Parliament assembled, and by the Authority of the same, That no Person or Persons whatsoever who have adventured or put in, or who hereafter shall adventure or put in, any Sum or Sums of Money in the said *East-India* Company or *Guiney* Company, or into any joint Stock or Stocks of Money by them or either of them made or raised, or to be made and raised, for and towards the maintaining and carrying on the Trade by the said *East-India* Company or *Guiney* Company managed or to be managed, or who have formerly or shall hereafter adventure or put in any Sum or Sums of Money into any Stock or Stocks of Money for the managing and carrying on of the said Fishing Trade, or the Trade now called *The Royal Fishing Trade*, and shall receive and take his or their Part or Dividend of Fish, Goods, or Merchandizes in Specie, and shall sell or exchange the same, shall, for or by Reason only of such Adventure of Monies so put into the said *East-India* Company or *Guiney* Company, or into any Stock or Stocks for and towards the said Fishing Trade, or for or by Reason only of the receiving and taking such Fish, Goods, and Merchandizes in Specie, or selling for Money, or exchanging the same again, be adjudged, taken, esteemed, or reputed a Merchant or Trader within any Statute or Statutes for Bankrupts, or be liable to the same.

No Person, for putting in Money to the East India or Guiney Company, or the Fishing Trade, shall be esteemed a trader within the Statute of Bankrupts.

IV. Provided always, and it is hereby declared, That every Person or Persons who shall trade, traffick, or merchandize in any other Way or Manner than in the said Royal Fishing Trade, or the Trade managed by the said *East-India* Company or the *Guiney* Company as aforesaid, shall, for and by Reason of his and their trading, trafficking, and merchandizing, be liable to Commission and Commissions against Bankrupts, as fully, to all Intents and Purposes, and not otherwise, as if this Act had never been made; any Thing in this Act to the contrary notwithstanding.

Proviso for other Trading.

22 & 23 CAROLI II. Cap. XI.

An Act to prevent the Delivery up of Merchant Ships, and for the Increase of good and serviceable Shipping.

16 Car. 2. c. 6.

WHEREAS it often happeneth that Masters and Commanders of Merchants' Ships do suffer their Ships to be boarded, and their Goods to be taken out by Pirates and Sea-rovers, notwithstanding they have sufficient Force to defend themselves, whereby not only the Merchants are much prejudiced, but the Honour of the *English* Navigation is thereby much diminished, and Merchants discouraged from lading their Goods on board *English* Ships, to the decay of Shipping; in the Preservation of which the Wealth, Honour, and Safety of this Nation is so much concerned: To which the said Masters are encouraged by a Practice used towards them by the *Turks* and others, who after they have taken out the Goods, as an Encouragement to Masters of Ships to yield, do not only restore the Ship with such Goods as are claimed by the Masters or Seamen, but many Times pay unto the Masters all or some Part of the Freight, which hath many Times caused Suspicion of Treachery in the said Masters, to the great Dishonour of the *English* Nation:

No Master shall deliver up any Ship (of 200 Tons and 16 Guns) to any Pirates or others, without fighting.

II. For the Prevention thereof for the Future, and for the better Encouragement to Merchants, as well Foreigners as *English*, to freight and use *English* Ships; be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, assembled in Parliament, and by Authority of the same, That where any Goods or Merchandizes shall be laden on board any *English* Ship, which Ship shall be of the Burthen of two hundred Tons or upwards, and mounted with sixteen Guns or more, if the Master or Commander shall yield up the said Goods to any *Turkish* Ships or Vessels, or to any Pirates or Sea-rovers whatsoever, without fighting; that then and in such Case the Master shall, upon Proof thereof made in the High Court of Admiralty, be from thenceforth incapable of taking Charge of any *English* Ship or Vessel as Master or Commander thereof; and if he shall at

any Time thereafter presume to take upon him to command any *English* Ship or Vessel, he shall suffer Imprisonment by Warrant from the said Court, during the Space of six Months, for every such Offence: And in case the Person so taking the said Goods, shall release, give back, or let pass the said Ship, shall pay unto the said Master any Sum or Sums of Money, or any Goods in Lieu of Money for Freight, or other Reward or Gift; that in all or any such Cases, the said Goods or Money so given, or the Value thereof, as also the Master's Part of such Ship, her Tackle, Apparel, and Furniture so released, given back, or let pass, out of which the said Goods were taken, shall be liable to repair the Persons whose Goods were so delivered or taken, by Action in the High Court of Admiralty. And in case the Commander's or Master's Part of the Ship, Tackle, Apparel, and Furniture, together with such Money and Goods given as aforesaid, shall not be sufficient to repair all the Damages sustained; then the Reparations to be recovered on the Master's or Commander's Part of the Ship, to be divided *pro rata* amongst the Persons prosecuting and proving their Damages, and the Persons damaged to have their Action against the Master for the Remainder.

The Master not to depart out of his Ship.

III. And be it further enacted by the Authority aforesaid, That no Master of any such *English* Ship as aforesaid, being at Sea, and having discovered any Ship to be a *Turkish* Ship, Pirate, or Sea-rover, shall depart out of his Ship upon any Pretence whatsoever, lest by his Detention on board any such Ship, the Safety of his own Ship be hazarded.

The Penalty when the Ship is under 200 Tons and 16 Guns.

IV. And be it further enacted, That if the Master of any *English* Ship or Vessel, though not of the Burthen of two hundred Tons, or mounted with sixteen Guns as aforesaid, shall yield his Ship unto any *Turkish* Ship, Pirate, or Sea-rover, (not having at the least his double Number of Guns), without fighting, every such Master shall be liable to all and every the Penalties in this Act contained.

To seize by Process out of the Admiralty.

V. And be it further enacted by the Authority aforesaid, That upon Process made out of the High Court of Admiralty, it shall and may be lawful to and for all Commanders of his Majesty's Ships of War, or the Commanders of any other *English* Ships, to seize such Ships or Masters so offending, according to the said Process in such Case to be issued, and the same to bring or send in Custody into any Ports of his Majesty's Dominions, there to be proceeded against according to the Intent and Meaning of this Act.

VI. Provided, That none be hereby encouraged to violate the Rights of the Ports of any foreign Prince or States in Amity with the King's Majesty.

Penalty for Mariners refusing to fight.

VII. And be it further enacted by the Authority aforesaid, That if the Mariners or inferior Officers of any *English* Ship, laden with Goods and Merchandizes as aforesaid, shall decline or refuse to fight and defend the Ship, when they shall be thereunto commanded by the Master or Commander thereof, or shall utter any Words to discourage the other Mariners from defending the Ship; that every Mariner who shall be found guilty of declining or refusing as aforesaid, shall lose all his Wages due to him, together with such Goods as he hath in his Ship, and suffer Imprisonment, not exceeding the Space of six Months, and shall during such Time be kept to hard Labour for his or their Maintenance.

Where the Master is forced to yield his Ship, there he is excused.

VIII. Provided always, That if any Ship shall have yielded as aforesaid, contrary to the Will and Endeavour of the Master or Commander, by the Disobedience of the Mariners, testified by their having laid violent Hands on him; that in such Case the Master or Commander shall not be liable to the Sentence of Incapacity as aforesaid, nor to any Action for the Losses sustained by the Merchants, unless he shall have received back from the Takers thereof, his Ship, or some Recompence, Gift, or Reward as aforesaid.

Penalty for Mariners to force him to yield his Ship, Felony.

IX. And be it further enacted by the Authority aforesaid, That every Mariner who shall have laid violent Hands on his Commander, whereby to hinder him from fighting in Defence of his Ship and Goods committed to his Trust, shall suffer Death as a Felon.

When any Officers or Seamen are wounded in Defence of their Ship, Provision is made for their Maintenance.

X. And for the better Encouragement to Captains, Masters, Officers and Seamen, to defend their Ship; be it enacted by the Authority aforesaid, That when any *English* Ship shall have been defended by Fight, and brought to her designed Port, in which Fight any of the Officers or Seamen shall have been wounded, it shall and may be lawful to and for the Judge of his Majesty's High Court of Admiralty, or his Surrogate, or the Judge of the Vice-Admiralty within which the Ship shall arrive at her Return, upon Petition of the Master or Seamen of such Ship so defended as aforesaid, to call unto him such and so many as he shall be informed to be Adventurers or Owners of the Ship and Goods so defended, and by Advice with them to raise and levy upon the respective Owners and Adventurers, by Process out of the said Court, such Sum or

or Sums of Money, as himself, with the major Part of the Adventurers or Owners then present shall judge reasonable, not exceeding the Value of two *per Cent.* of the Ship and Goods so defended, according to the first Cost of the Goods, to be made appear by the Invoice (which the Owner, or his Factor or Correspondent, is hereby required to produce), or by the Oath of the said Owner, Factor or Correspondent, if thereunto required; which Money so raised shall be paid unto the Register of the said Court, who shall receive for the same Three-pence in each Pound, and no more, thence to be distributed amongst the Captain, Master, Officers and Seamen of the said Ship, or Widows and Children of the slain, according to the Direction of the Judge of the said Court, with the Approbation of three or more of the Owners or Adventurers aforesaid, who shall proportion the same according to their best Judgments, unto the Ship's Company as aforesaid, having special Regard unto the Widows and Children of such as shall have been slain in that Service, and to such as shall have been wounded or maimed.

Seamen maimed in fighting against Pirates, provided for by 8 G. 1. C. 24. S. 5.

The Benefit they are to receive by taking a Ship that shall assault them.

XI. And in case the Company belonging unto any *English* Merchant Ship shall happen to take any Ship, which Ship shall first have assaulted them, the respective Officers and Mariners belonging to the same shall, after Condemnation of such Ship and Goods, have and receive to their own proper Use and Benefit such Part and Share thereof, as is usually practised in private Men of War.

Felony for any Officer or other Person wilfully to destroy any Ship.

XII. And whereas it often happeneth that Masters and Mariners of Ships having ensured or taken upon Bottomary, greater Sums of Money than the Value of their Adventure, do wilfully cast away, burn, or otherwise destroy the Ships under their Charge, to the Merchants and Owners great Loss; for the Prevention thereof for the future, be it enacted by the Authority aforesaid, That if any Captain, Master, Mariner, or other Officer belonging to any Ship, shall wilfully cast away, burn, or otherwise destroy the Ship unto which he belongeth, or procure the same to be done, he shall suffer Death as a Felon.

Encouragement given for building good Ships.

XIII. And for the better Encouragement of building good and defensible Ships, be it enacted, That all and every Person or Persons that shall, within the Space of seven Years from and after the first of *May* next ensuing, build, or cause to be built, within any of his Majesty's Dominions, any Ship or Vessel of three Decks, with a Forecastle, and five Foot between each Deck, mounted with thirty Pieces of Ordnance at least, and other Ammunition proportionable, shall, for the first two Voyages which the said Ship or Ships make from his Majesty's Dominions to any foreign Part, have and receive to his and their own proper Use and Benefit, one tenth Part.

XIV. And all Persons that shall build any Ships of two Decks, above three hundred Tons, and thirty Guns, shall have one twentieth Part of the Customs that shall be paid to his Majesty for all such Goods or Merchandizes that shall be exported or imported on the said Ship or Ships, to and from this Kingdom: And the Commissioners and Officers of his Majesty's Customs are hereby impowered and required to pay the same to the Owner or Owners of the said Ship or Ships accordingly.

Anno Quarto

GULIELMI & MARIÆ.

Regis & Reginæ.

CAP. XV.

An Act for continuing certain Acts therein mentioned, and for charging several Joint Stocks.

[So much thereof as relates to the *East-India Company.*]

Five Pounds per Cent. upon East-India Stocks.

X. *AND be it further enacted by the Authority aforesaid, That the several Rates and Sums of Money herein-after mentioned shall be answered and paid to their Majesties, that is to say, there shall be answered to their Majesties the Sum of five Pounds for every hundred Pounds of the joint Stock of the* East-India *Company, the said joint Stock being valued at the Rate of seven hundred forty-four thousand Pounds, the same to be paid by the Governor and Treasurer of the said* East-India

per Annum, shall be reduced, lessened, or proportioned, according to the Money actually paid to his Majesty's Use upon every such Subscription respectively, after an Abatement or Reduction shall be made of the first tenth Part to be forfeited, as aforesaid; and to the End the said Subscription-monies so to be payable at several Days and Times, and by such Proportions, as aforesaid, may be the sooner made use of for the Supply of his Majesty's extraordinary Occasions, the Commissioners of his Majesty's Treasury, or any three or more of them now being, or the Treasurer of the Exchequer, or any three or more of the Commissioners of the Treasury for the Time being, are hereby authorized and impowered to cause Tallies of Assignment, or Tallies of Anticipation for the same, or any Part thereof, to be levied upon the Commissioners, Receiver or Receivers General, or Cashier, who shall be appointed or authorized to receive the same; and that an Interest not exceeding the Rate of eight Pounds *per Centum per Annum* shall be annexed to, attend, and go along with the principal Monies contained in all and every such Talley and Tallies, to be paid every three Months out of such Subscription Monies, from the Date of every such Talley, until Satisfaction of the Principal thereupon, that the Principal upon every such Talley shall be paid in Course, according to the Date thereof respectively.

How Tallies of Assignment or Anticipation may be levied. The said Tallies to bear an Interest of 8*l.* per Cent. per Annum.

LI. And be it further enacted by the Authority foresaid, That the said Commissioners, to be nominated by his Majesty for taking Subscriptions, as aforesaid, shall take Care that the Sums subscribed be written as well in Words at Length as in Figures; and that the Day of the Month and Year, on which every Subscription shall be made, be truly set and expressed against the same; and that the Subscription, so to be made from Time to Time, be attested under the Hands and Seals of five or more of the Commissioners who shall be present at the making of such Subscriptions; and that the said Commissioners, or any five or more of them, do, without Delay, after the said nine and twentieth day of *September*, one thousand six hundred and ninety-eight, or after the said Subscriptions for the said two millions shall be compleated (which shall first happen), make, or cause to be made, true Duplicates or Copies, fairly written in Parchment, of the said whole Book or Books of Subscriptions, and deliver the said Duplicate or Duplicates of the said Book or Books, attested by five or more of the said Commissioners, into the Office of the Auditor of the Receipt in the Exchequer, before the twentieth Day of *October*, one thousand six hundred ninety-eight at farthest; and the said Auditor of the Receipt is hereby authorised and required forthwith to register or enter, and the Clerk of the Pells in the said Receipt is hereby required forthwith to record the said Duplicate or Duplicates, amongst the Registers or Records of their respective Offices, that so it may appear how much shall have been subscribed, and by whom, and likewise how the said yearly Fund, or a proportionable Part thereof, is to be issued and applied by Virtue of this Act; and that every Person concerned shall have free Access at all seasonable Times, and Liberty to view and peruse the said Register, Enrolment, or Record, without Fee or Charge; and that true Copies of such Book or Books so enrolled and recorded, under the Hands and Seals of the said Auditor of the Receipt and Clerk of the Pells, shall be delivered by them *gratis* to the said Commissioners, or any five or more of them, demanding the same, for the Benefit of the said Subscribers.

Sums subscribed to be written in Words at length, &c.

and attested.

Duplicates of the Subscriptions to be returned into the Exchequer.

Auditor of the Receipt and Clerk of the Pells to register the said Duplicates.

All Persons to have free Access to the Registers.

Copies of the Books to be delivered to the Commissioners, &c. gratis.

LII. And it is hereby further enacted, ordained, and declared by the Authority aforesaid, That every Person and Body politic, who shall subscribe as aforesaid, and be named or contained in the said Book or Books, his, her, or their Heirs, Executors, Administrators, Successors, and Assigns respectively, shall have, receive, and enjoy for ever, out of the Fund by this Act settled and provided, one Annuity or certain yearly Sum, for the whole Sum by him, her, or them subscribed, according to the Rate or Proportion of eight Pounds *per Centum per Annum*; that is to say, all and every Person and Persons, or Corporation, subscribing one hundred Pounds, shall be intitled to an Annuity of eight Pounds *per Annum* out of the said Fund, and so proportionably for higher or larger Subscriptions; the same Annuities or yearly Payments to commence from the Feast of *St. Michael* the Archangel, in the Year of our Lord one thousand six hundred and ninety-eight, and to be paid and payable at the four most usual Feasts in the Year, that is to say, the Feast of the Birth of our Lord *Christ*, the Annunciation of the Blessed Virgin *Mary*, the Nativity of *Saint John Baptist*, and *Saint Michael* the Archangel, by even and equal Portions: The first Payment thereof to be made at the Feast of the Nativity of our Lord *Christ*, one thousand six hundred and ninety-eight; which said Annuities or yearly Payments shall nevertheless be subject or liable to the Condition and Power of Redemption hereafter in this Act expressed; and also to the Clause before in this Act contained, for reducing or lessening such Annuities, where Failure shall be made in some of the Payments of the Subscription Money for the same.

Subscriber to have an Annuity after the rate of 8*l.* per Cent. per Annum.

To commence from Michaelmas 1698, and be paid Quarterly.

First Payment.

Subject nevertheless to Redemption, &c.

LIII. And for the further Encourgement of the said Subscribers, it is hereby also enacted, That every Person or Body politic, subscribing and paying down one tenth Part of his or their Subscription Money, as aforesaid, shall and may out of the same defaulk and recount, or shall be repaid (in consideration of his or their prompt Subscription and Payment) so much as an Allowance after

Allowance to Person paying down one-10th part of his Subscription for prompt Payment, &c.

after the Rate of ten Pounds *per Centum per Annum* doth amount unto, being computed upon his or their whole Subscription-money, from the Day of making his or their Subscription and first Payment, until the Feast of *Saint Michael* the Archangel, one thousand six hundred and ninety-eight.

LIV. And it is hereby further enacted, That the respective Commissioners, or such a Number of them, or such Cashier or Cashiers, who shall be authorized by his Majesty to receive all or any the said Payments upon the said Subscriptions, for his Majesty's Use, shall immediately, from Time to Time, give to the Persons or Corporations paying the same a Receipt in Writing for the several Sums so received; and shall cause an Entry thereof to be made in a Book or Books, expressing the Day on which every Payment shall be made, with the Names and proper Additions of those that make such Payments; and deliver a true Account, fairly written in Parchment, of all the said Receipts, attested by five or more of the said Commissioners, into the Office of the Auditor of the Receipt of Exchequer, on or before the four and twentieth day of *June*, which shall be in the Year of our Lord one thousand seven hundred; and the Commissioners of his Majesty's Treasury, and the Treasurer, and Under-treasurer of the Exchequer for the Time being, are hereby impowered and commanded, out of any his Majesty's Treasure not appropriated by Act of Parliament, to issue and pay such Sums as shall be necessary to be expended or laid out, as incident Charges in the Execution of such Commission.

Commissioners or Cashier to give Receipts for the Money they receive,

and enter the same, &c.

Account thereof to be delivered to the Auditor of the Receipt, &c.

Commissioners of the Treasury to issue Monies for incident Charges, &c.

LV. Provided always, That any Persons, so to be named Commissioners, may be Subscribers, and their Subscriptions and Payments shall and may be received by the other Commissioners, or such of them as shall be appointed in that Behalf.

Commissioners may be Subscribers.

LVI. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for his Majesty, by Letters Patents under the great Seal of *England*, to incorporate all and every the Person and Persons, Natives and Foreigners, Bodies politic and corporate, who shall so subscribe, or for whom such Subscriptions shall be made, and upon whose Subscriptions the first tenth Part shall be paid, as aforesaid, and all and every Person and Persons, Bodies politic and corporate, who, as Executors, Administrators, Successors, or Assigns, or by any other lawful Title, derived or to be derived from, by, or under the said original Subscribers, of or towards the said Sum of two Millions, at any Time or Times hereafter, shall have or be intitled to any Part, Share, or Interest of or in the yearly Fund by this Act settled, as aforesaid, so long as they respectively shall have any such Part, Share, or Interest therein, to be one Body politic and corporate, by the Name of *The General Society intitled to the Advantages given by an Act of Parliament, for advancing a Sum not exceeding two Millions, for the Service of the Crown of* England, and by that Name shall have perpetual Succession, and a common Seal; and that they and their Successors, by the Name aforesaid, shall be able and capable in Law, to have, purchase, receive, enjoy, possess, and retain, to them and their Successors, Lands, Rents, Tenements, and Hereditaments, of what Kind, Nature, or Quality soever, and also to sell, grant, demise, alien, or dispose of the same, and by the same Name to sue and implead, be sued and impleaded, answer and be answered, in Courts of Record or any other Place whatsoever, and to do and execute all and singular other Matters and Things by the Name aforesaid, that to them shall or may appertain to do; subject nevertheless to the Proviso or Condition of Redemption, and to such Restrictions and Limitations as are hereafter in this Act expressed.

King may incorporate the Subscribers.

LVII. And it is hereby declared, That the Sum total of all the said Subscriptions shall be, and be called, *The Principal Stock* of the said General Society; and all and every Person and Persons, his and their Executors, Administrators, Successors, and Assigns, according and in Proportion to the Sum or Sums by him, her, or them respectively subscribed, shall have, and be deemed to have, an Interest or Share in the said principal Stock, and of and in the yearly Fund hereby settled.

Sum total of all the Subscriptions to be called The Principal Stock of the said Corporation.

LVIII. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for his Majesty to impower all and every Person or Persons who shall severally or respectively have subscribed in the said Book or Books any Sum or Sums not less than five hundred Pounds, and shall have severally paid one tenth Part of the Sum or Sums so by them subscribed, their Executors, Administrators, Successors, or Assigns, to assemble and meet together at the Guildhall within the City of *London*, at or upon the tenth Day of *October*, one thousand six hundred ninety-eight, or within twenty Days after the Subscription shall be completed (which shall first happen), then and there to elect and choose the first Trustees, to manage, govern, and direct the said General Society, and they, or the major Part of them so assembled, shall and may choose, by Way of ballotting, out of the whole Number of Subscribers (whereof none to have more than one Vote), four and twenty Persons, each of which shall severally have subscribed, in

Subscribers to elect 24 Trustees by Way of ballotting.

Each Trustee to subscribe 2,000l. at least in his own Right.

in their own Rights, the Sum of two thousand Pounds at the least, who shall be the first Trustees of the said General Society; which Elections shall severally be determined by the Majority of Votes then present, by Way of Ballot, as aforesaid, and if they be equal, then by his Majesty's Commissioners for taking the said Subscriptions, or the major Part of them then present; which Persons, so to be elected, shall afterwards be inserted in his Majesty's Charter of Incorporation of the said General Society, as the first Trustees, for such Time, and with such Succession, and subject to such further Qualifications, as his Majesty in such Charter of Incorporation shall be pleased to appoint; and that in such Charter such further Rules, Powers, and Clauses, for carrying on the said Trade, and pursuing the Ends and Intent of this Act, shall and may be inserted, as shall be lawfully and reasonably desired in that Behalf.

Persons elected to be inserted in Charter of Incorporation.

If two Millions be not subscribed, Subscribers to have only a proportionable Part of the yearly Fund.

LIX. Provided always, and it is hereby further enacted, That in case the whole Sum of two Millions shall not be subscribed, as aforesaid, before the said nine and twentieth Day of *September*, which shall be in the Year of our Lord one thousand six hundred and niney-eight, that then the Subscribers and Contributors for and towards raising the said Sum of two Millions, their Executors, Administrators, Successors, and Assigns, shall only have and receive so much, and such Part and Proportion of the said yearly Fund, as shall be after the Rate of eight Pounds *per Centum per Annum* for such Sum or Sums of Money as shall be so respectively subscribed.

After Charter is passed, yearly Sum, or a proportionable Part thereof, is to be paid to the General Society, &c.

LX. And be it further enacted, That from and after the granting of the said Letters Patents for Incorporation of the General Society, as aforesaid, the said yearly Sum of one hundred and sixty thousand Pounds, as aforesaid, or so much thereof as shall be proportionable to the several Sum or Sums to be subscribed, as aforesaid, shall be issued and paid to the said General Society and their Successors, or to such Treasurer or Receiver-General as they shall appoint by their common Seal to receive the same; who shall, from Time to Time have and receive the said Monies, in Trust for the several and respective Members of the said General Society, whether they be Bodies politic or natural, according to the Proportion of their several Shares and Interests in the general Stock.

If two Millions be subscribed within the Time limited, the Subscribers, &c. may trade to the East Indies.

LXI. And be it enacted by the Authority aforesaid, That in case the said whole Sum of two Millions, or *one* Moiety, or any greater Part of the said Sum of two Millions, shall be subscribed, as aforesaid, on or before the said nine and twentieth Day of *September*, one thousand six hundred and ninety-eight, that then and from thenceforth all and every the Person and Persons, Natives and Foreigners, Bodies politic and corporate, by or for whom such Subscriptions shall be made, and all and every Person and Persons, Bodies politic and corporate, who as Executors, Administrators, Successors, or Assigns, or by any other lawful Title derived, or to be derived, from, by, or under the said original Subscribers, at any Time or Times hereafter, shall have, or be intitled to any Part, Share, or Interest, of and in the yearly Fund by this Act settled, as aforesaid, and of and in a proportionable Part of the principal Stock of the said General Society, so long as they respectively shall continue to have any Part, Share, or Interest therein; and all and every Person and Persons, who for any Time shall be licensed by such Person or Persons, Bodies politic or corporate, to trade in the Stead of them, or any of them, shall and lawfully may, for ever hereafter, by themselves severally, or by such Factors, Agents, or Servants, as they severally shall think fit to intrust, freely traffick, and use the Trade of Merchandize, in such Places, and by such Ways and Passages as are already frequented, found out, or discovered, or which hereafter shall be found out or discovered, and as they severally shall esteem and take to be fittest or best for them, into and from the *East-Indies* in the Countries and Parts of *Asia* and *Africa*, and into and from the Islands, Ports, Havens, Cities, Creeks, Towns, and Places of *Asia*, *Africa*, and *America*, or any of them, beyond the Cape of *Bona Esperanza*, to the Streights of *Magellan*, where any Trade or Traffic of Merchandize is or may be used or had, and to and from every of them; which Trade, Traffic or Merchandizing, shall be, and is by Virtue of this Act for ever limited and restrained, so and in such Manner, as that no Person or Corporation hereby authorized to trade or traffic, as aforesaid, shall in any one Year (every Year to be reckoned from the said nine and twentieth Day of *September*, one thousand six hundred ninety-eight) successively, by him or themselves, or by Persons licensed to trade instead of them or any of them, as aforesaid, or by their respective Factors, Agents, or Servants, ship, lade, put on Board, send, or cause to be sent, or design to send to or for the *East-Indies*, or other Parts within the Limits aforesaid, from *England*, or any other Country or Place whatsoever, any Quantity of Goods, Wares, Merchandizes, Coins, Bullion, or Commodities whatsoever, of greater Value than in this Act are expressed; that is to say, the Person or Persons, or Body politic, who shall be intitled to any Annuity or yearly Payment of eight Pounds *per Annum*, and consequently to a Share of one hundred Pounds in the principal Stock of the said General Society,

None to trade for more than the Amount of his Stock.

Society, for every such Stock or Share of one hundred Pounds, shall or may, by himself or themselves, or others, as aforesaid, ship, lade, put on board, or cause to be sent yearly for the said *East-Indies*, or Parts within the Limits aforesaid, Goods, Wares, Merchandizes, Coins, Bullion, or other Commodities (being such as may lawfully be exported or sent thither) as shall amount in Value to the Sum of one hundred Pounds; and every Person and Corporation intitled to a larger Annuity out of the said yearly Fund, and, in that Respect, to a greater Share than one hundred Pounds in the said principal Stock, shall and may yearly ship and send to the *East-Indies*, and other Parts within the Limits aforesaid, a proportionable Value in Goods, or other Things, as aforesaid, after the said Rate of one hundred Pounds for every one hundred Pounds Stock.

Persons intitled to particular Shares in the principal Stock, may be incorporated into a Company, to trade with a joint Stock, &c.

LXII. And be it further enacted by the Authority aforesaid, That if the said whole Sum of two Millions, or one Moiety, or any greater Part thereof, shall be subscribed on or before the said nine and twentieth Day of *September*, one thousand six hundred ninety-eight, and all or any Corporations, or other Person or Persons, having particular Shares or Interest in the principal Stock of the said General Society, or in proportionable Annuities or yearly Payments issuing out of the said yearly Fund, shall be willing and desirous to unite or join together such their several Shares and Interests, and to be incorporated so as they may be able to manage their Trade (in Proportion to their Interests) as a Company, and by a joint Stock, that then it shall or may be lawful to and for his Majesty, by Letters Patents under the great Seal of *England*, to incorporate all such Persons and Corporations by such proper Name as his Majesty, his Heirs, or Successors, shall think fit, to be one Company, with Power to manage and carry on their Trade to the *East-Indies*, and other the Limits aforesaid, by a joint Stock, and to have a perpetual Succession, and a common Seal, and with Power to grant and take, sue and be sued, and to choose their own Managers or Directors, and Officers, from Time to Time, and such other Powers and Clauses, as shall be necessary or requisite for the carrying on of such Trade, and shall be reasonable for his Majesty to grant; nevertheless such Company, so to be created with Power to trade with a joint Stock, as aforesaid, shall be restrained to such Proportion of the Trade in the Whole, as all the particular Members thereof would have been intitled to at the Rate before mentioned, in case such new Company were not made; and the Directors or Managers, and other Members of the same, shall be subject to such further Rules, Qualifications, and Appointments, as his Majesty in their Charter shall think necessary or reasonable to be inserted.

by such proper Name as his Majesty shall think fit.

After incorporating any such Company, the proportionable Part of the yearly Fund belonging to the Members thereof, is to be paid to the said Company, &c. See 10 Ann. C. 28.

LXIII. Provided always, and it is hereby enacted, That after the incorporating of any such Company to trade with a joint Stock, as aforesaid, the proportionable Part or Parts of the said yearly Fund issuing out of the Exchequer, and belonging to the Members of such new Company, shall from Time to Time (under the like Penalties, as aforesaid) be issued at the said Receipt of the Exchequer, to such Company, or to such Treasurer or Treasurers, as shall be appointed under their common Seal to receive the same, in Trust for the several and respective Members of such Company, according to their respective Proportions or Shares in the joint or united Stock of such Company; any Thing in this Act contained to the contrary notwithstanding: And that the Payment thereof shall and may be made weekly, or as fast as the said Duties shall produce Money into the Exchequer for the same, so as by such weekly or other Payments the Whole of the Annuities due to such Company at the End of any one Quarter be not exceeded.

Payments thereof to be made at the Exchequer.

Every Member of the General Society to take an Oath, &c. not to trade for more than by this Act is allowed

LXIV. And it is hereby further enacted by the Authority aforesaid, That all and every Person and Persons, who as a Member or Members of the said General Society, shall have Power to trade by or for himself, or themselves, and not in a Company, in such Measure or Proportion as aforesaid, before he or they shall be allowed to exercise or make use of such Power, shall take a corporal Oath before two or more of the Trustees for the said General Society (who have hereby Power to administer the same), that such Members shall be faithful to the said General Society, and (according to the best of his or her Skill and Understanding) give his or her Advice, Counsel, and Assistance, for the Support and good Government of the said Society; and that he or she will not at any Time or Times ship, lade, send, direct, or cause to be sent from *England*, or any other Country, to the *East-Indies*, or other the Parts within the Limits aforesaid, any Goods, Coins, or other Merchandizes of greater Value than such as he or she may lawfully send thither by this Act; and that all and every Person and Persons, who shall be licensed to trade, as aforesaid, before he or they shall be allowed to use or enjoy the Benefit of any such Licence, shall cause the same to be entered or registered at large in the Books of the said General Society, and shall also take a corporal Oath, before two or more of the Trustees of the said General Society, that such Persons trading by such Licence shall be faithful to the said General Society, and will not at any Time or Times ship, lade, send, direct, or cause to be sent,

Persons trading by Licence, to enter their Licences, &c. and take an Oath, &c.

to the *East-Indies*, or other the Places within the Limits aforesaid, any Goods, Coins, or other Merchandizes of greater Value than what he or she may lawfully send thither by Virtue of this Act; and that no Person or Persons, who shall be incorporated, or be a Member or Members of any Company or Corporation, having, or that shall have Power to trade to the *East-Indies*, and other the Parts within the Limits aforesaid, by a joint Stock, in pursuance of this Act, during such Time as he or they respectively shall continue a Member or Members of such Company or Corporation, shall trade otherwise than in the joint Stock of such Corporation, of which he or they are Members respectively; and every such Member or Members, before he or they shall be allowed to receive any Benefit, in or by such Corporation, or to do, or intermeddle in any of the Affairs of the same, shall take a corporal Oath before two or more of the Trustees, or other Persons, who shall have the Direction of the Affairs of any such Company or Corporation (who have hereby Power to administer the same) that he or she shall be faithful to such Company or Corporation, and (according to the best of his or her Skill and Understanding) give his or her Advice, Counsel, and Assistance, for the Support and good Government of the said Company or Corporation; and that he or she, during his or her Continuance in such Company or Corporation, will not at any Time or Times ship, lade, send, direct, or cause to be sent from *England*, or any other Country, to the *East-Indies*, or other Parts within the Limits aforesaid, for his or their private Accounts, any Goods, Coins, or other Merchandizes, contrary to this Act; and that no Person or Persons, that shall have the Order, Rule, Direction, or Management of the Voyages, or other Affairs of the said Company or Corporation, or that shall be entrusted or employed to trade upon the joint Stock, or for a Company, as aforesaid, shall be allowed to ship, or cause to be shipped, laded, or put on board, or to send or cause to be sent from the *East-Indies*, or other Parts, within the Limits aforesaid, any Goods, foreign Coins, or other Merchandizes whatsoever, from *England*, or any other Country, until he or they respectively shall have taken a corporal Oath, before two or more of the Trustees, or other Directors of such Company, or before the Barons of the Exchequer for the Time being, or some of them, that he or they respectively will be faithful to such Company or Corporation, and (according to the best of his or her Skill and Understanding) give his or her Advice, Counsel, and Assistance, for the Support and good Government of the same, and that he or she, during his or her Continuance in such Company or Corporation, will not at any Time or Times ship, lade, send, direct, or cause to be sent from *England*, or any other Country for the *East-Indies*, or other the Parts within the Limits aforesaid, any Goods, Coins, or other Merchandizes, but such as he or she may lawfully send thither, for the Account of such Company, according to this Act.

No Member, &c. during his Continuance in the said Company, shall trade otherwise than in the joint Stock thereof.

Every Member, &c. to take an Oath not to trade to the Indies, &c. on any private Account.

LXV. Provided always, That such Persons as are known, or commonly reputed to be *Quakers*, instead of any Oath or Oaths by this Act prescribed, shall and may make a solemn Declaration in Writing to the same Effect, and in the same Manner; and every such Declaration in Writing shall be of the same Validity as if he or they had taken a corporal Oath, as aforesaid; any Thing herein contained to the contrary notwithstanding.

Quakers may make a solemn Declaration.

LXVI. And be it further enacted by the Authority aforesaid, That all and every Person and Persons whatsoever, that shall or may, in Pursuance of this Act, trade or send, or cause to be sent any Goods, foreign Coins, or other Merchandizes, for the *East-Indies*, or other the Parts within the Limits aforesaid, before such Goods, foreign Coins, or other Merchandizes, or any of them (the Goods, foreign Coins, or other Merchandizes of such Company as shall or may be erected, if any such be, to trade with a joint Stock, as aforesaid, only and always excepted), shall be shipped, laded, or put on board any Ship, or into any Lighter, Boat, or other Vessel, for that Purpose, shall make, or cause to be made, an Entry or Entries of the same, in a Book or Books for that Purpose, specifying in such Entry or Entries the true and full Quantities, Kinds, and Values of all the Goods, foreign Coins, or other Merchandizes so intended to be sent for the *East-Indies*, or other the Parts within the Limits aforesaid, from *England*, or from any other Country whatsoever, with the Name of the Ship, and of the Commander or Master thereof; to the End it may be seen by Inspection of such Book or Books (to which all Persons concerned shall have free access at all seasonable Times, without Fee or Charge) from Time to Time, whether such Traders do or do not send more Goods, Coins, or Merchandizes in the said Trade than they respectively are allowed to send by this Act; and all and every such Person and Persons, upon such Entry or Entries made, from Time to Time, shall make and sign an Affirmation in Writing, in which he or they shall declare or affirm (upon the Oath or solemn Declaration which he or they shall previously have taken or made, as aforesaid, in that Behalf) that such Entry or Entries do contain the true and full Value and Values of all the Goods, Coin, or Merchandizes, to be shipped by or for him or them, on such Ship for that Voyage; all which Entries and Affirmations shall be made before two or more of the Trustees for the General Society aforesaid, and in Books to be kept

All Persons trading in Pursuance of this Act, &c. shall enter the Goods they export, &c.

Persons concerned may view the Books, &c.

The said Entries to be attested on Oath, &c.

Entries and Affirmations how to be made.

kept by them for that Purpose, until a Company with Power to trade upon a joint Stock shall be erected, as aforesaid; and after such Company shall be erected, then the same shall be made before two or more of the Directors or Managers of such Company, and in Books to be kept by them for that Purpose.

LXVII. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for his Majesty, by the said Charter or Charters of Incorporation, to empower the said General Society, and their Successors, and such Company as shall be erected to trade with a joint Stock, as aforesaid, and their Successors, or either of them, severally, to make reasonable Laws, Constitutions, Orders, and Ordinances, from Time to Time, for the good Government of the said Trade to the *East-Indies*, and other the Parts aforesaid, and of the Traders, Factors, Agents, Officers, and others concerned in the same, and to inflict reasonable Penalties and Punishments, by Imprisonment, Mulcts, Fines, or Amerciaments, for any Breach or Breaches thereof, and to levy such Mulcts, Fines, or Amerciaments to the Use of such General Society or Company respectively.

General Societies, &c. may make By-laws.

LXVIII. And it is hereby further enacted, That if any Person or Persons, who are hereby required to make such Entries and Affirmations as this Act directs, shall neglect so to do, or if any Goods, foreign Coins, or other Merchandizes so entered, shall be of greater Value than shall be specified in such Entry or Entries, that then, and in every such Case, the Goods, foreign Coins, or other Merchandizes which shall be shipped or put on board any Ship or other Vessel designed for the *East-Indies*, or any other the Parts within the Limits aforesaid, or into any Lighter, Boat, or other Vessel, to be put upon any such Ship, for which no such Entry or Affirmation shall be made, or which shall be omitted therein, and the Effects and Proceed of the same (wheresoever they shall be found), shall be forfeited, and may be seized, and double the Value thereof shall and may be sued for and recovered against the respective Offenders, and to be divided or distributed in such Manner and Form as his Majesty by such Charter or Charters shall appoint.

Penalty on Persons not making true Entries.

LXIX. Provided always, and it is hereby enacted, That no Company or particular Person or Persons who shall have a right, in Pursuance of this Act, to trade to the *East-Indies*, or other the Parts within the Limits aforesaid, shall be allowed to trade thither, until sufficient Security shall be first given (which the Commissioners of the Customs in *England*, or any three or more of them for the Time being, are hereby authorised and required to take, in the Name, and to the Use of his Majesty, his Heirs and Successors) that such Company, or particular Persons, shall cause all the Goods, Wares, Merchandizes, and Commodities, which shall at any Time or Times hereafter, during the Continuance of this Act, be laden by or for them, or any of them, or for their or any of their Accounts, in any Ship or Ships whatsoever, bound from the said *East-Indies*, or Parts within the Limits aforesaid, shall be brought (without breaking Bulk) to some Port of *England* or *Wales*, and there be unladen and put on Land (the Danger of the Seas, Enemies, Pirates, Constraints of Princes and Rulers, and Barratry of Seamen, excepted); and in case there be any Difficulty or Dispute in the Acceptance of such Security, such Difficulty and Dispute shall and may be determined by the Lord Chief Baron, and other the Barons of the Coif of the Exchequer, or any of them, according to his or their best Judgment and Discretion; and that all Goods and Merchandizes, belonging to the Company to be erected, as aforesaid, or any other Traders to the *East-Indies*, and which shall be imported into *England* or *Wales*, as aforesaid, pursuant to this Act, shall by them respectively be sold openly and publicly by Inch of Candle, upon their respective Accounts, and not otherwise, upon Pain that the same, or the Value thereof, shall be forfeited and lost, to wit, one Moiety thereof to his Majesty, his Heirs and Successors, and the other Moiety thereof to any Person or Persons that will seize, inform, or sue for the same, by Action of Debt, or of the Case, Bill, Plaint, or Information, as aforesaid.

No Company, &c. to trade before Security given, &c. that Goods laden in the Indies shall be brought to England, &c. This Clause explained as to the Securities to be given, and also breaking Bulk, by 6 Ann. c. 3. sect. 1.

Disputes in Acceptance of Security how to be determined.

Goods imported to be sold by Inch of Candle.

Penalty.

LXX. And be it further enacted, That it shall and may be lawful to and for his Majesty, by any such Commission, Charters, or Letters Patents, as aforesaid, under the Great Seal of *England*, to limit, direct, and appoint, how and in what Manner and Proportions, and under what Rules and Directions, the Shares of all and every Person and Persons whatsoever in the said yearly Fund, and of and in the Stock of the said General Society, or of any Company to be settled or authorised to trade in Pursuance of this Act, and every or any Part or Proportion thereof, shall or may be assignable or transferable, to be assigned or transferred to such Person or Persons only, as shall freely and voluntarily accept of the same, and not otherwise; and that all Assignments and Transferrences made in such Manner shall be good and available in the Law.

King's Commission, &c. shall direct in what Manner the Shares in the yearly Fund, &c. shall be assigned or transferred.

LXXI. And be it further enacted by the Authority aforesaid, That the Estates, Interests, and Stocks of Money of the several Corporations to be created or established in Pursuance of this

Stocks esteemed personal Estates.

this Act, and of each and every particular Member thereof, shall be and be adjudged, taken, and accepted, in Construction of Law, by all Judges, and in Courts of Law and Justice, and in all Courts and Places whatsoever, to be a personal and not a real Estate, and shall go to the Executors or Administrators of the Person or Persons dying possessed thereof, or intitled thereunto, and not to the Heirs of such Person or Persons; any Law, Statute, Usage, or Custom, to the contrary notwithstanding.

Annuities out of the yearly Fund, and Shares in Trade, &c. exempt from Taxes.

LXXII. And be it further enacted by the Authority aforesaid, That the several Annuities or Payments issuing out of the said yearly Fund, or the Shares, Parts, or Interests of any Members of the said General Society, or of the said Company to be erected by Virtue of this Act, of and in the principal or capital Stocks of the same, or of or in the Benefit of Trade to be annexed thereunto, in Pursuance of this Act, during the Continuance of the same, shall be and are hereby exempted from any Taxes, Rates, Assessments, or Impositions whatsoever.

Guardian or Trustee for an Infant may subscribe a Moiety of the Money in his Trust.

LXXIII. And be it further enacted, That any Guardian or Trustee for any Infant may, for the Benefit of such Infant, subscribe, advance, and contribute, upon this Act, a Sum not exceeding one Moiety of the Monies within his or her Trust, upon the Advantages in this Act mentioned, and such Infant, upon Payment of such Sum, shall become the Contributor thereof, and the Guardian or Trustee shall be discharged from the same.

No Member, &c. in respect of his Stock only, shall be adjudged a Bankrupt. Stock not liable to foreign Attachment.

LXXIV. And be it enacted, That no Member of any Society or Company to be erected in Pursuance of this Act shall, in respect of his Stock therein only, be or be adjudged liable to be a Bankrupt, within the Intent and Meaning of all or any the Statutes made against or concerning Bankrupts; and that no Stock in such Society or Company shall be subject or liable to any foreign Attachment by the Custom of the City of *London*, or otherwise.

8 & 9 W. 3. c. 20.

LXXV. And whereas by an Act of Parliament made in the eighth and ninth Years of his Majesty's Reign, intituled, *An Act for making good the Deficiencies of several Funds therein mentioned, and for enlarging the capital Stock of the Bank of* England, *and for raising the public Credit*, it is (amongst other Things) enacted, That during the Continuance of the Corporation of the Governor and Company of the Bank of *England*, no other Bank, or any other Corporation, Society, Fellowship, Company, or Constitution, in the Nature of a Bank, shall be erected or established, permitted, suffered, countenanced, or allowed by Act of Parliament, within this Kingdom, as in and by the said Act more at large may appear: Now, for the better securing the Privileges of the said Governor and Company of the Bank of *England*, granted to them by Parliament, and to prevent the Corporation or Corporations, Society or Societies, Fellowship or Fellowships, Company or Companies, Constitution or Constitutions, which shall or may be established by Virtue of this Act, from interfering with, or being prejudicial to, the said Governor and Company of the Bank of *England*: Be it enacted by the Authority aforesaid, That it shall not be lawful to or for the Corporation or Corporations, Society or Societies, Fellowship or Fellowships, Company or Companies, Constitution or Constitutions, which shall or may be established by Virtue of this Act (as a Corporation, Society, Fellowship, Company, or Constitution) to borrow, owe, or give Security for any Sum or Sums of Money, on Credit of any public Fund or Funds hereby granted, or any Part thereof; and that it shall not be lawful for the said Corporation or Corporations, Society or Societies, Fellowship or Fellowships, Company or Companies, Constitution or Constitutions, which shall or may be established by virtue of this Act, to borrow, owe, or give Security for any other or greater Sum or Sums of Money, than such as shall be really and *bonâ fide* expended and laid out in and for the buying of Goods, Bullion, or Commodities to be exported for the proper Account of the said Corporation or Corporations, Society or Societies, Fellowship or Fellowships, Company or Companies, Constitution or Constitutions, which shall or may be established by Virtue of this Act, or shall be otherwise employed in their Trade; all which Sum or Sums of Money, so to be borrowed for the Purpose aforesaid, shall be borrowed only on their common Seal, and shall not be made payable, or *bonâ fide* agreed to be paid, at any Time less than six Months from the Time of the borrowing thereof; and that it shall not be lawful for the Corporation or Corporations, Society or Societies, Fellowship or Fellowships, Company or Companies, Constitution or Constitutions, which shall or may be established by Virtue of this Act, to discount any Bills of Exchange or other Bills or Notes whatsoever, or to keep any Books or Cash, of or for any Person or Persons, Bodies politic or corporate whatsoever, other than only the proper Monies and Cash of the said Corporation or Corporations, Society or Societies, Fellowship or Fellowships, Company or Companies, Constitution or Constitutions, which shall or may be established by virtue of this Act.

Not lawful for the General Society, &c. to borrow any Sums on Credit of the Funds by this Act granted,

nor to borrow any other Sums than employed in Trade.

Monies shall be borrowed only on their common Seal, and not made payable in less than six Months.

Company may not Discount Bills of Exchange, &c. or keep Cash for any Person whatsoever.

LXXVI. *And the said Commons of* England *in Parliament assembled, for the Ends and Purposes in this Act expressed, have also given and granted unto his Majesty, his Heirs and Successors, the*

the further Rates and Duties herein-after mentioned; and it is hereby further enacted by the Authority aforesaid, That for and upon all Goods, Wares, and Merchandizes whatsoever, of the Growth, Product, or Manufacture of the East-Indies, *or any other Countries or Places within the Limits aforesaid, to wit, beyond the said Cape to the Streights of* Magellan, *which from and after the said nine and twentieth Day of* September, *one thousand six hundred and ninety-eight, at any Time or Times shall be imported or brought into the Kingdom of* England, *Dominion of* Wales, *or Town of* Berwick upon Tweed, *by any Corporation, Person or Persons, trading within the Limits aforesaid, by Virtue or in Pursuance of this Act, there shall be yielded and paid to his Majesty, his Heirs, and Successors (over and above all other Duties payable for the same) a Duty after the Rate of five Pounds for every one hundred Pounds of the true and real Value of the said Goods; to be paid over from Time to Time to the said General Society of Subscribers, and their Successors, or such Treasurer or Treasurers as such Society shall appoint to receive the same, unless a Company, upon the Desire of the Subscribers or any of them, shall be erected in Pursuance of this Act, to trade with a joint Stock, as aforesaid; and from and after the erecting or settling of such Company, then the said Duty of five Pounds* per Centum *shall be paid over to such Company, and their Successor, or to their Treasurer, to the End that the said General Society, and the said Company respectively, may out of the Produce of the said Duty of five Pounds* per Centum *maintain such Ambassadors, or other Ministers, as his Majesty, his Heirs or Successors, (at the Nomination of the Trustees, Directors, or Managers of or for the General Society aforesaid, or of such Company so to be empowered to trade with a joint Stock, as aforesaid) shall be pleased to send to any Emperor, Prince, or State within the Parts aforesaid, and defray any other extraordinary or necessary Expences, in carrying on the said Trade; and if at any Time or Times there be an Overplus of the Produce of the said Duty, to dispose the same from Time to Time, to and for the Benefit of all the Members of the said General Society, until a Company to trade with a joint Stock shall be erected, as aforesaid; and after such Company shall be erected, then to and for the Benefit of all the Members thereof, according to their respective Shares or Interests in the principal or capital Stock of the same.*

An additional Duty of 5l. per Cent. laid on all East-India Goods imported, &c. Repealed by 6 Annæ, c. 17. s. 8 as to Goods imported by the Company.

To be paid over to the General Society, &c. for maintaining Ambassadors, &c.

Overplus, if any, how to be disposed.

Security to be given for Payment of the said additional Duty, &c. See also 6 Ann. c. 3. 10 Ann. c. 29. and 13 Geo. 3. c. 44. s. 4.

LXXVII. And for the better raising, levying, and securing the said Duty, after the Rate of five Pounds in the Hundred, it is hereby further enacted, that upon the Importation of any such Goods, as aforesaid, liable thereunto, an Entry or Entries thereof shall be made in the Custom-house where such Goods shall be imported, and before the landing thereof the Importer or Importers of the same shall give Security (which the Commissioners or proper Officers of the Customs are hereby required and empowered to take) for Payment of the said Duties, after the Rate of five Pounds in the Hundred upon the said Goods, as soon as the same shall be sold, the Value thereof to be reckoned according to the gross Price at which such Goods shall be sold; and that in case any such Goods shall be landed or put on Shore out of any Ship or Vessel, before due Entry be made thereof at the Custom-house in the Port or Place where the same shall be imported, and the Duties hereby imposed shall be secured, or without a Warrant for the landing or delivering of the same, first signed by the Commissioners, Collectors, or other proper Officer or Officers of the Customs respectively, that all such imported Goods as shall be so landed, or put on Shore, or taken out of any Ship or Vessel, contrary to the true Meaning hereof, or the Value of the same, shall be forfeited, and shall and may be recovered of the Importer or Proprietor thereof; to wit, one Moiety of the same to the Use of his Majesty, his Heirs and Successors, and the other Moiety to the Use of such Person or Persons as will seize the said Goods, or sue for the same, or the Value thereof, by Action, Bill, Suit, or Information, as aforesaid.

Goods landed before Duty secured, &c. shall be forfeited.

LXXVIII. And it is hereby further enacted, That the said Duty of five Pounds in the Hundred shall be from Time to Time under the Management and Government of the Commissioners of the Customs for the Time being, who shall cause the same to be raised, levied, collected, and paid, to the Hands of the Receiver or Receivers General of the Revenue of the Customs for the Time being, and such Receiver or Receivers General for the Time being shall answer and pay over all the Monies arising thereby (the necessary Charges of raising, collecting, and answering the same, only excepted) in such Manner, and for such Purposes, as are before in this Act appointed.

These Duties to be managed by the Commissioners of the Customs.

LXXIX. Provided always, and it is hereby declared and enacted, That at any Time, upon three Years' Notice, after the nine and twentieth Day of *September*, one thousand seven hundred and eleven, upon Repayment by Parliament of the said Sum of two Millions, or such Part thereof as shall be paid or advanced, as aforesaid, unto the respective Subscribers, and Contributors of the same, or to such Person or Persons as by, from, or under them shall be intitled to the said Annuities or Shares of the said yearly Fund or capital Stock, in respect of the same, and of all Arrears of the said Annuities or yearly Payments, then and from thenceforth as well the said Duties upon Salt and

On three Years' Notice, after the 29th of Sept. 1711, and Repayment by Parliament of the said 2,000,000l. &c. this Act to cease and determine. Extended by 6 Ann. c. 17. 10. Ann. c. 28.

3 Geo. 2. c. 14. 17 Geo. 2. c. 17. 19. Geo. 3. c. 67. 20 Geo. 3. c. 56. and 21 Geo. 3. c. 65.

Rock-salt, as the said Duties upon stamped Vellum, Parchment, and Paper, and also the said yearly Fund charged thereupon, and the said Annuities issuing out of the same and the said Duty of five Pounds in the Hundred, for the said imported Goods, and also all the Corporations to be erected by or in Pursuance of this Act, and the Benefit of Trade hereby given, or intended to be given, to them or any of them, shall absolutely cease and determine; any Thing herein contained to the contrary notwithstanding.

Additional Duty of 1s. 10d. per lb. wt. on all wrought Silks imported from the East-Indies.

LXXX. And the said Commons of *England* in Parliament assembled, as a further Supply for his Majesty's extraordinay Occasions, have moreover freely given and granted unto his Majesty, his Heirs and Successors, the further Rates and Duties herein-after mentioned: And it is hereby further enacted by the Authority aforesaid, That for and upon all wrought Silks, which from and after the said nine and twentieth Day of *September*, one thousand six hundred and ninety-eight, at any Time or Times, shall be imported or brought from the *East-Indies*, or from *Persia*, or from any other of the Countries or Places within the Limits before-mentioned, into the Kingdom of *England*, Dominion of *Wales*, or Town of *Berwick upon Tweed*, there shall be yielded and paid to his Majesty, his Heirs and Successors (over and above all other Duties payable for the same) the Sum of one Shilling and ten Pence for every Pound Weight, reckoning sixteen averdupoize Ounces to the Pound, to be paid by the Importer or Importers thereof, and to be raised, levied, collected, and paid, to the Use of his Majesty, his Heirs and Successors, by such Ways, Rules, and Methods, and under such Penalties and Forfeitures, and in such Manner and Form, as any other Duties upon Silks imported by the Act of Tonnage and Poundage, made in the twelfth Year of the Reign of King *Charles* the Second, or by any other subsequent Act for continuing the same, or by any other Law now in force relating to the Customs, are to be raised, levied, collected, and paid.

12 Car. 2. c. 4.

Persons who may trade pursuant to this Act, shall have the sole Trade to the East-Indies, &c.

Enforced by 5 Geo. 1. c. 21.

LXXXI. And be it further enacted by the Authority aforesaid, That such Persons or Corporations, as in Pursuance of this Act shall have a Right and Power to trade to the *East-Indies*, and other the Parts aforesaid, according to such Provisons, Proportions, and Restrictions as are in this Act contained, and subject to the Condition or Power of Redemption before-mentioned, from and after the said nine and twentieth Day of *September*, one thousand six hundred and ninety-eight, shall have, use, and enjoy the whole and sole Trade and Traffic, and the only Liberty, Use, and Privilege of trading, trafficking, and exercising the Trade or Business of Merchandize to and from the said *East-Indies*, and to and from all the Islands, Ports, Havens, Cities, Towns, and Places, within the Limits before mentioned; and that the said *East-Indies*, or the Islands, Havens, Forts, Cities, Towns, or Places within the Limits aforesaid, or any of them, shall not after the said nine and twentieth Day of *September*, one thousand six hundred and ninety-eight, be visited, frequented, or haunted by any other of the Subjects of his Majesty, his Heirs or Successors, during such Time as the Benefit of Trade hereby given, or intended to be given, to the Subscribers or others, as aforesaid, ought to continue by Virtue of this Act; and if any of the Subjects of his Majesty, his Heirs, or Successors, of what Degree or Quality soever they be, other than such as may lawfully go and trade to the *East-Indies*, and other the Parts aforesaid, by Virtue of this Act, and their Factors, Agents, and Servants respectively, who shall be employed according to the true Meaning hereof, shall directly or indirectly visit, haunt, frequent, trade, traffic, or adventure into or from the said *East-Indies*, or other the Parts before-mentioned, contrary to the true Meaning hereof, all and every such Offender and Offenders shall incur the Forfeiture and Loss of all the Ships and Vessels which shall be employed in such Trade, with the Guns, Tackle, Apparel, and Furniture thereunto belonging, and also all the Goods and Merchandize laden thereupon, and all the Proceed and Effects of the same, and also double the Value thereof; (to wit,) one fourth Part thereof to such Person or Persons as will seize, inform, or sue for the same, to be recovered in any Court of Record, as aforesaid, and the other three fourth Parts to the Use of the said General Society, until a Company shall be erected, as aforesaid, and after the erecting thereof (if any such be) then to the Use of the said Company, without Account, the Charges of Prosecution being borne by the said Society or Company.

Penalty on other Persons trading to the East-Indies, than such as are empowered by this Act.

If Duties by this Act appropriated be not sufficient to satisfy the Payments appointed, Deficiency to be made good out of the next Aids.

LXXXII. And be it further enacted by the Authority aforesaid, That in case the said Duties, arising or appropriated by this Act, shall at any Time or Times appear to be so deficient in the Produce of the same, as that within any one Year, to be reckoned as aforesaid, from and after the nine and twentieth Day of *September*, which shall be in the Year of our Lord one thousand six hundred and ninety-nine, the weekly Payments upon the same Rates or Duties shall not amount to so much as shall be sufficient to discharge and satisfy the several and respective Benefits, yearly Payments, or Advantages, by this Act appointed or intended to be paid within or for the same Year respectively, that then, and so often, and in every such Case, it is hereby declared, that every such Deficiency and Deficiencies shall be provided for, answered, and made good, by or out of the next Aids

Aids to be raised and granted by Parliament, for and towards the discharging or paying off the said Benefits, yearly Payments, or Advantages appointed by this Act, as, together with the Monies which shall have been brought into the said Receipt of the Exchequer, of or for the said several Rates and Duties hereby granted or appropriated, shall be sufficient to pay off and discharge all the Monies which shall within the same Year respectively be grown due, or ought to be paid for the Recompences, yearly Payments, and Advantages hereby provided, according to the true Intent and Meaning of this Act.

The present East-India Company may trade till the 29th Sept. 1701.

LXXXIII. Provided also, and be it enacted by the Authority aforesaid, That nothing in this Act shall extend, or be construed to extend, to hinder or restrain the Governor or Company of Merchants of *London* trading into the *East-Indies*, to continue to trade within the Limits aforesaid, until the nine and twentieth Day of *September*, one thousand seven hundred and one; any Thing in this Act contained to the contrary notwithstanding.

Ships not in the Company's Service, &c. before 1st July, 1698, shall not be liable to Forfeitures.

LXXXIV. Provided also, and be it enacted by the Authority aforesaid, That nothing in this Act shall extend, or be construed to extend, to make any Ships (not in the Service of the said Governor and Company of Merchants of *London* trading into the *East-Indies*) which were cleared outwards from *England*, or elsewhere, for the *East-Indies*, or Limits aforesaid, before the first Day of *July*, one thousand six hundred and ninety-eight, or the lading thereof (so as they return into some Port of this Kingdom without breaking Bulk in any Part of *Europe*) to be liable to any of the Penalties or Forfeitures in this Act; any Thing herein contained to the contrary notwithstanding.

Present East-India Company to pay their just Debts, and their Estates made liable thereunto.

LXXXV. And be it enacted by the Authority aforesaid, That the Governor and Company of Merchants of *London* trading into the *East-Indies* shall pay and discharge all just Debts whatsoever, which the said Governor and Company do owe, or are subject to; and that all and singular the Manors, Lands, Tenements, Goods, Wares, Merchandizes, Chattels real and personal, as well granted and confirmed to them and their Successors by any Letters Patents under the Great Seal of *England* heretofore made, or by the Concessions and Grants of any Person or Persons whatsoever, or of which they now are or hereafter shall be seized or possesed, by any Manner, Ways or Means whatsoever, shall be and are hereby declared to be subject unto and chargeable with the Payment of the said just Debts; and if at any Time, from and after the four and twentieth Day of *June*, one thousand six hundred and ninety-eight, the said Governor and Company, or any other Person or Persons, shall make any Dividend or Dividends of their Stock and Estates, or any Part thereof, or of any the Effects or Produce of the same, before the full Payment and Satisfaction of their said just Debts, in every such Case, the particular Members, and every of them respectively, who in their private or personal Capacities shall receive any Share of such Dividend or Dividends, shall be severally liable, and they are hereby made liable, so far as their respective Shares, so by them respectively received upon such Dividend or Dividends, shall extend, to pay and satisfy the said Debts, or such of them which shall remain due and unpaid, to any other Person or Persons, Bodies politic or corporate, who by Virtue of this Act are severally enabled to sue for and recover the same, besides double Costs of Suit, by Action of Debt, or of the Case, as is before mentioned; any Thing in this Act, or any Law, Statute, Usage, or Prescription to the contrary notwithstanding.

If they make any Dividends before Payment of their Debts, Members to be liable, so far as their Shares shall extend to pay, &c.

Society, &c. not to owe more than the Value of their capital Stock undivided, &c.

LXXXVI. Provided always, and be it enacted, That every Society, Company, or Corporation whatsoever, which shall be erected or established in Pursuance of this Act, and their Successors respectivly, shall take care, that the Sum total of all the Debts which such Society, Company, or Corporation respectively, shall owe at any one Time, to any other Person or Persons, Bodies politic or corporate, do not exceed the Value of the principal or capital Stock or Stocks, which at any such Time shall be and remain to such Society, Company, or Corporation, undivided; and that in Case any such Society, Company, or Corporation, by any Dividend or Dividends whatsoever, to be made amongst themselves, or in their private or personal Capacities, shall reduce or lessen their joint Stock, Principal or Capital, without limiting, paying off, or proportionably reducing the total Sum of the said Debts which they shall owe to others, as aforesaid, so that the Value of their joint Stock, Principal or Capital undivided, shall not be sufficient to answer their just Debts then remaining unpaid; in every such Case the particular Members, and every of them respectively, who in their private or personal Capacities shall receive any Share of such Dividend, shall be severally liable, and they are hereby made liable, so far as the respective Shares, so by them respectively received upon such Dividend or Dividends, shall extend to pay and satisfy the Debts which shall remain due and unpaid by such Society, Company, or Corporation respectively, to any other Persons or Bodies politic or corporate, as aforesaid, who by Virtue of this Act shall and may sue for, and recover the same, besides Costs of Suit, by Action of Debt, or of the Case, as is before-mentioned; any Thing in this Act, or any other Act, Law, Usage, or Custom to the contrary notwithstanding.

If their Debts exceed their capital Stock, Members liable to pay so far as the Shares will extend, &c.

11 & 12 GULIELMI III. Cap. III.

An Act for laying further Duties upon wrought Silks, Muslins, and some other Commodities of the East-Indies, *and for enlarging the Time for purchasing certain reversionary Annuities therein mentioned.*

[So much thereof as relates to the *East-India Company:*]

Preamble.

MAY it please your most Excellent Majesty, we your Majesty's most dutiful and loyal Subjects, the Commons of *England* in Parliament assembled, as a further Supply for your Majesty's Occasions in this Act mentioned, have cheerfully and unanimously given and granted, and do hereby give and grant to your Majesty the further Rates, Payments, Duties, and Sums of Money herein-after mentioned; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by Authority of the same, That, for and upon all wrought Silks, and for and upon all Bengals and Stuffs made of or mixed with Silk or Herba, of the manufacture of *Persia*, *China*, or the *East-Indies*, and for and upon all Callicoes painted, dyed, printed, or stained there, which, from and after the five and twentieth Day of *March* one thousand seven hundred, and before the thirtieth Day of *September*, which shall be in the Year of our Lord one thousand seven hundred and one, shall be imported or brought into the Kingdom of *England*, Dominion of *Wales*, or Town of *Berwick upon Tweed*, by any Person or Persons, or Bodies politic or corporate whatsoever, there shall be yielded and paid to his Majesty (over and above all Customs, Subsidies, Impositions and Duties already due and payable for the same) a further Duty after the Rate of fifteen Pounds for every one hundred Pounds of the true and real Value of the said Goods, to be ascertained as is herein-after mentioned; and for and upon all Muslins which from and after the said five and twentieth Day of *March*, one thousand seven hundred, and before the thirtieth Day of *September*, one thousand seven hundred and one, shall be imported or brought into the Kingdom, Dominion or Town aforesaid, there shall be yielded and paid to his Majesty (over and above all other Duties now payable for the same) a further Duty after the Rate of fifteen Pounds for every one hundred Pounds of the true and real Value of the said Muslins, to be also ascertained as is herein-after mentioned.

Further Duties laid on wrought Silks, Bengals, and Stuffs, and on Callicoes, from 25th March, 1700, to 30th Sept. 1701.

15l. per Cent.

the like Duty on Muslins.

Goods to be entered at the Custom-house where imported,

and Importer to give Security for Payment of Duty.

II. And for the better raising, levying and securing the said Duties, after the Rate of fifteen Pounds in the Hundred, it is hereby further enacted, That upon the Importation of any such Goods, as aforesaid, liable thereunto, an Entry or Entries thereof shall be made in the Custom-house where such Goods shall be imported, and before the landing thereof the Importer or Importers of the same shall give Security by Bond, with two or more sufficient Sureties (which the Commissioners or proper Officers of the Customs are hereby required or empowered to take) for Payment of the said Duties after the Rate of fifteen Pounds in the Hundred, upon the said Goods, as soon as the same shall be sold, and for exposing the Goods so imported to sale openly and fairly, by way of Auction, or by Inch of Candle, within the City of *London*, within the Time of twelve Months after the Importation thereof.

How Goods shall be valued.

Penalty on landing Goods before Entry.

III. And it is hereby enacted and declared, That the Value of the said Goods, according to which the said Rate is to be paid, shall be reckoned according to the gross Price at which such Goods shall be sold; and that in case any such Goods shall be landed or put on Shore out of any Ship or Vessel before due Entry be made thereof at the Custom-house, in the Port or Place where the same shall be imported, and the Duties hereby imposed shall be secured, as aforesaid, or without a Warrant for the landing or delivering of the same, first signed by the Commissioners, Collectors, or other proper Officer or Officers of the Customs respectively, that all such imported Goods as shall be so landed or put on shore, or taken out of any Ship or Vessel, contrary to the true Meaning hereof, or the Value of the same, shall be forfeited, and shall and may be recovered of the Importer or Proprietor thereof, (to wit) two-third Parts of the same to the Use of his Majesty, his Heirs and Successors, and the other third Part to the Use of such Person or Persons as will seize the said Goods, or sue for the same, or the Value thereof, by Action, Bill, Suit, or Information, wherein no Essoin, Protection, or Wager of Law, shall be allowed.

Commissioners of the Customs to manage the Duties.

IV. And it is hereby further enacted, That the said Duties of fifteen Pounds in the Hundred shall be from Time to Time under the Management and Government of the Commissioners of the Customs for the Time being, who shall cause the same to be raised, levied, collected and paid into the Hands of the Receiver or Receivers General of the Revenue of the Customs for the Time being; and such Receiver or Receivers General for the Time being shall answer and pay over all the

the Monies arising thereby (the necessary Charges of raising, collecting, and answering the same only excepted) into the Receipt of his Majesty's Exchequer, for the Purposes in this Act mentioned.

Goods exported again, Duty to be repaid.

V. Provided always, and it is hereby enacted and declared by the Authority aforesaid, That in case the Goods or Merchandizes upon which the said further Duties of fifteen Pounds in the Hundred are paid, or secured to be paid, as aforesaid, be again exported at any Time or Times within twelve Months after the Importation thereof, and that due Proof be first made upon Oath, that the Goods or Merchandizes so exported be the same for which the said Duties are paid, or secured to be paid, as aforesaid, then and in such Case (and not otherwise) the same Duties shall, without any Delay or Reward, be wholly repaid by the Receiver General of his Majesty's Customs for the Time being, out of such Monies as shall be in his Hands of the said Duties of fifteen *per Cent.* arising by this Act, unto the Person or Persons, Bodies politic or corporate, making the said Exportations, or the said Security shall be vacated, as to so much of the said Goods or Merchandizes as shall be so exported; any Thing in this Act, or in any former Act or Acts of Parliament contained, to the contrary notwithstanding.

Allowance on prompt Payment.

VI. Provided also, and it is hereby enacted, That in case any of the said Goods which shall have been entered, and for which Security shall have been given, as aforesaid, shall within the Time hereby limited, be fairly sold by Way of Auction, as aforesaid, that then the Importer paying down, in ready Money, his Majesty's said Duties of fifteen Pounds *per Cent.* for such Goods, within twenty Days after such Sale, shall have an Allowance for such prompt Payment, after the Rate of five Pounds for every hundred Pounds of the Duties so paid.

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11 & 12 GULIELMI III. Cap. VII.

An Act for the more effectual Suppression of Piracy.

28 H. 8. c. 15. Amended by 18 Geo. 2. c. 30.

WHEREAS by an Act of Parliament made in the twenty-eighth Year of the Reign of King *Henry* the Eighth, it is enacted, That Treasons, Felonies, Robberies, Murders, and Confederacies committed on the Sea, shall be inquired of, tried, and determined according to the common Course of the Laws of this Land used for such Offences upon the Land within this Realm; whereupon the Trial of those Offenders before the Admiral, or his Lieutenant, or his Commissary, hath been altogether disused: And whereas, that since the making of the said Act, and especially of late Years, it hath been found by Experience, that Persons committing Piracies, Robberies, and Felonies on the Seas, in or near the *East* and *West Indies*, and in Places very remote, cannot be brought to condign Punishment without great Trouble and Charges in sending them into *England* to be tried within the Realm, as the said Statute directs, insomuch that many idle and profligate Persons have been thereby encouraged to turn Pirates, and betake themselves to that Sort of wicked Life, trusting that they shall not, or at least cannot easily be questioned for such their Piracies and Roberies, by Reason of the great Trouble and Expence that will necessarily fall upon such as shall attempt to apprehend and prosecute them for the same: And whereas the Numbers of them are of late very much increased, and their Insolencies so great, that unless some speedy Remedy be provided to suppress them, by a strict and more easy Way for putting the ancient Laws in that Behalf in Execution, the Trade and Navigation into remote Parts will very much suffer thereby; be it therefore declared and enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all Piracies, Felonies, and Robberies committed in or upon the Sea, or in any Haven, River, Creek, or Place, where the Admiral or Admirals have Power, Authority, or Jurisdiction, may be examined, inquired of, tried, heard, and determined, and adjudged, according to the Directions of this Act, in any Place at Sea, or upon the Land, in any of his Majesty's Islands, Plantations, Colonies, Dominions, Forts, or Factories, to be appointed for that Purpose by the King's Commission or Commissons under the Great Seal of *England*, or the Seal of the Admiralty of *England*, directed to all or any of the Admirals, Vice-Admirals, Rear-Admirals, Judges of Vice-Admiralties, or Commanders of any of his Majesty's Ships of War, and also, to all or any such Person or Persons, Officer or Officers, by Name, or for the Time being, as his Majesty shall think fit to appoint; which said Commissioners shall have full Power jointly or severally, by Warrant under the Hand and Seal of them, or any one of them, to commit to safe Custody any Person or Persons, against whom Information of Piracy, Robbery, or

1 Hale's P. C. 355. Vin. v. 16. 352.

How and where Piracies, &c. committed on the Sea may be tried.

By 4 Geo. 1. c. 11. sect. 7. Offenders against this Act may be tried as directed by 28 H. 8. c. 15.

Admiralty Court to consist of seven Persons.

Felony upon the Sea, shall be given upon Oath (which Oath they or any one of them shall have full Power, and are hereby required to administer) and to call and assemble a Court of Admiralty on Ship-board, or upon the Land, when and as often as Occasion shall require; which Court shall consist of seven Persons at the least.

II. And if so many of the Persons aforesaid cannot conveniently be assembled, be it further enacted by the Authority aforesaid, That any three of the aforesaid Persons (whereof the President or Chief of some *English* Factory, or the Governor, Lieutenant-Governor, or Member of his Majesty's Councils in any of the Plantations or Colonies aforesaid, or Commander of one of his Majesty's Ships, is always to be one) shall have full Power and Authority, by Virtue of this Act, to call and assemble any other Persons on Ship-board, or upon the Land, to make up the Number of seven.

Persons qualified to sit and vote, &c.

III. Provided, That no Persons but such as are known Merchants, Factors, or Planters, or such as are Captains, Lieutenants, or Warrant-Officers in any of his Majesty's Ships of War, or Captains, Masters, or Mates of some *English* Ship, shall be capable of being so called, and sitting and voting in the said Court.

Power of Court so called in Case of Trial of Pirates, &c.

IV. And be it enacted by the Authority aforesaid, That such Persons called and assembled as aforesaid shall have full Power and Authority, according to the Course of the Admiralty, to issue Warrants for bringing any Persons accused of Piracy or Robbery before them, to be tried, heard, and adjudged, and to summon Witnesses, and to take Informations and Examinations of Witnesses upon their Oath; and to do all Things necessary for the Hearing and final Determination of any case of Piracy, Robbery, and Felony; and to give Sentence and Judgment of Death, and to award Execution of the Offenders convicted and attainted as aforesaid, according to the civil Law, and the Methods and Rules of the Admiralty; and that all and every Person or Persons so convicted and attainted of Piracy or Robbery, shall have and suffer such Losses of Lands, Goods and Chattels, as if they had been attainted and convicted of any Piracies, Felonies, and Robberies, according to the afore-mentioned Statute made in the Reign of King *Henry* the Eighth.

King's Commission to be first read.

V. Provided always, and be it further enacted by the Authority aforesaid, That so soon as any Court shall be assembled as aforesaid, either on Ship-board or upon the Land, the King's Commission shall first be openly read, and the said Court then and there shall be solemnly and publicly called and proclaimed; and then the President of the Court shall, in the first Place, publicly in open Court take the following Oath, *viz.*

President to take the following Oath:

'I *A. B.* do swear in the Presence of Almighty God, That I will truly and impartially try and adjudge the Prisoner or Prisoners which shall be brought upon his or their Trials before this Court, and honestly and duly, on my Part, put his Majesty's Commission for the trying of them in Execution, according to the best of my Skill and Knowledge: and that I have no Interest, directly or indirectly, in any Ship or Goods, for the piratically taking of which any Person stands accused, and is now to be tried:

'*So help me God.*'

and then to administer the same to the other Members.

VI. And he having taken the Oath in Manner aforesaid, shall immediately administer the same Oath to every Person who shall sit, and have and give a Voice in the said Court upon the Trial of such Prisoner or Prisoners as aforesaid; and immediately thereupon the said Prisoner or Prisoners shall be formally brought before them; and then the Register of the said Court shall openly and distinctly read the Articles against such Prisoner or Prisoners, upon which they or any of them is or are to be tried; wherein shall be set forth the particular Fact or Facts of Piracy, Robbery and Felony, with the Time and Place when and where, and in what Manner it was committed; and then each Prisoner shall be asked, whether he be guilty of the said Piracy, Robbery, or Felony, or not guilty? Whereupon every such Prisoner shall immediately plead thereunto, guilty, or not guilty, or else it shall be taken as confessed, and he shall suffer such Pains of Death, Loss of Lands, Goods and Chattels, and in like Manner, as if he or they had been attainted or convicted upon the Oath of Witnesses, or his own Confession: but if any Prisoner shall plead not guilty, Witnesses shall be produced by the Register, and duly sworn and examined openly, *viva voce*, in the Prisoner's Presence; and after a Witness hath answered all the Questions proposed by the President of the Court, and given his Evidence, it shall and may be lawful for the Prisoner to have the Witness cross-examined, by first declaring to the Court what Questions he would have asked, and thereupon the President of the Court shall interrogate the Witness accordingly; and every Prisoner shall have Liberty to bring Witnesses for his Defence, who shall be sworn, and examined upon Oath, as the Witnesses were that testified against him; and afterwards the Prisoner shall be fairly heard what

How Prisoners shall be brought before them and tried.

Prisoners pleading not guilty, Witnesses shall be examined viva voce.

what he can say for himself; all which being done the Prisoner shall be taken away and kept in safe Custody, and all other Persons, except the Register shall withdraw from the said Court, and then the Court shall consider of the evidence which hath been given, and debate the Matters and Circumstances of the Prisoner's Case, and the President of the Court shall collect all the Votes of the Persons who do sit and have Voices in the said Court, beginning at the Junior first, and ending with himself; and according to the Plurality of Voices, Sentence and Judgment shall be then given and pronounced publicly in the Presence of the Prisoner or Prisoners, being called in again; and according to such Sentence and Judgment the Person or Persons attainted shall be executed and put to death, at such Time, and in such Manner, and in such Place upon the Sea, or within the ebbing or flowing thereof, as the President, or the major Part of the Court, by Warrant directed to a Provost Marshal (which the President or said major Part shall have Power to constitute) shall appoint.

How Sentence shall be executed.

Register of the Court to be a Public Notary.

VII. And be it further enacted by the Authority aforesaid, That some Person, being a Public Notary, shall be Register of the Court; and in case of his Absence, Death, or Incapacity, or for Want of a Person so qualified, the President of the Court shall and may appoint a Register, giving him an Oath (which he is hereby empowered to administer), duly, faithfully, and impartially to execute his Office; which Register shall prepare all Warrants and Articles, and take care to provide all Things requisite for any Trial, according to the substantial and essential Parts of Proceedings in a Court of Admiralty, in the most summary Way; and shall take Minutes of the whole Proceedings, and enter them duly in a Book by him to be kept for that Purpose; and shall from Time to Time, as Opportunity offers, transmit the same, with the Copies of all Articles and Judgments given in any such Cases, in any Court whereof he shall be Register, unto the High Court of Admiralty of *England*.

Subjects committing Piracy on others of the King's Subjects by Commission from any foreign Prince, shall be adjudged Pirates.

VIII. And be it further enacted by the Authority aforesaid, That if any of his Majesty's natural-born Subjects, or Denizens of this Kingdom, shall commit any Piracy or Robbery, or any Act of Hostility, against others his Majesty's Subjects upon the Sea, under Colour of any Commission from any foreign Prince or State, or Pretence of Authority from any Person whatsoever, such Offender and Offenders, and every of them, shall be deemed, adjudged, and taken to be Pirates, Felons, and Robbers; and they and every of them being duly convicted thereof, according to this Act, or the aforesaid Statute of King *Henry* the Eighth, shall have and suffer such Pains of Death, Loss of Lands, Goods, and Chattels, as Pirates, Felons, and Robbers upon the Seas ought to have and suffer.

Commander or Mariner who shall betray his Trust, or turn Pirate, &c.

or Person laying violent Hands on his Commander, &c. shall be adjudged a Pirate, and suffer Death.

IX. And be it further enacted, That if any Commander or Master of any Ship, or any Seaman or Mariner, shall in any Place where the Admiral hath Jurisdiction, betray his Trust, and turn Pirate, Enemy, or Rebel, and piratically and feloniously run away with his or their Ship or Ships, or any Barge, Boat, Ordnance, Ammunition, Goods, or Merchandizes, or yield them up voluntarily to any Pirate, or shall bring any seducing Messages from any Pirate, Enemy, or Rebel, or consult, combine, or confederate with, or attempt or endeavour to corrupt any Commander Master, Officer, or Mariner to yield up or run away with any Ship, Goods, or Merchandizes, or turn Pirate, or go over to Pirates; or if any Person shall lay violent Hands on his Commander, whereby to hinder him from fighting in Defence of his Ship and Goods committed to his Trust, or that shall confine his Master, or make, or endeavour to make a Revolt in the Ship, shall be adjudged, deemed, and taken to be a Pirate, Felon, and Robber, and being convicted thereof, according to the Directions of this Act, shall have and suffer Pains of Death, Loss of Lands, Goods, and Chattels, as Pirates, Felons, and Robbers upon the Seas ought to have and suffer.

Persons setting forth, or aiding and assisting any Pirate, &c.

shall be adjudged Accessaries;

X. And whereas several evil-disposed Persons, in the Plantations and elsewhere, have contributed very much towards the increase and encouragement of Pirates, by setting them forth, and by aiding, abetting, receiving, and concealing them and their Goods, and there being some Defects in the Laws for bringing such evil-disposed Persons to condign Punishment; be it enacted by the Authority aforesaid, That all and every Person and Persons whatsoever, who after the twenty-ninth Day of *September*, in the Year of our Lord one thousand seven hundred, shall either on the Land, or upon the Seas, knowingly or wittingly set forth any Pirate, or aid and assist, or maintain, procure, command, counsel, or advise any Person or Persons whatsoever, to do or commit any Piracies or Robberies upon the Seas, and such Person or Persons shall thereupon do or commit any such Piracy or Robbery, then all and every such Person or Persons whatsoever, so as aforesaid setting forth any Pirate, or aiding, assisting, maintaining, procuring, commanding, counselling or advising the same, either on the Land or upon the Sea, shall be, and are hereby declared, and shall be deemed and adjudged to be accessary to such Piracy and Robbery done and committed

committed; and further, that after any Piracy or Robbery is or shall be committed by any Pirate or Robber whatsoever, every Person and Persons, who knowing that such Pirate or Robber has done or committed such Piracy and Robbery, shall on the Land, or upon the Sea, receive, entertain or conceal any such Pirate or Robber, or receive or take into his Custody any Ship, Vessel, Goods or Chattels which have been by any such Pirate or Robber piratically or feloniously taken, shall be, and are hereby likewise declared, deemed and adjudged to be accessary to such Piracy and Robbery; and that after the said nine and twentieth Day of *September*, all such Accessaries to such Piracies and Robberies shall and may be inquired of, tried, heard, determined and adjudged after the common Course of the Laws of this Land, according to the said Statute made in the twenty-eighth Year of King *Henry* the Eighth, as the Principals of such Piracies and Robberies may and ought to be, and no otherwise; and being thereupon attainted, shall suffer such Pains of Death, Losses of Lands, Goods and Chattels, and in like Manner, as the Principals of such Piracies, Robberies and Felonies ought to suffer, according to the said Statute of King *Henry* the Eighth, which is hereby declared to be and continue in full Force; any Thing in this present Act contained to the contrary notwithstanding.

the like for concealing Pirates, &c.

and suffer as Principal.

XI. And forasmuch as it will also conduce to the suppressing of Robberies on the Sea, if due Encouragement be given, and Rewards allowed to such Commanders, Masters, and other Officers, Seamen, and Mariners, as shall either bravely defend their own Ships, or take, seize and destroy Pirates, Sea-Rovers, and Enemies; be it further enacted by the Authority aforesaid, That when any *English* Ship shall have been defended against any Pirates, Enemies, or Sea-Rovers by Fight, and brought to her designed Port, in which Fight any of the Officers or Seamen shall have been killed or wounded, it shall and may be lawful to and for the Judge of his Majesty's High Court of Admiralty, or his Surrogate in the Port of *London*, or the Mayor, Bailiff, or chief Officer in the several Out-Ports of this Kingdom, upon the Petition of the Master or Seamen of such Ship, so defended as aforesaid, to call unto him four or more good and substantial Merchants, and such as are no Adventurers or Owners of the Ship or Goods so defended, and have no Manner of Interest therein, and by Advice with them to raise and levy upon the respective Adventurers and Owners of the Ship and Goods so defended, by Process out of the said Court, such Sum or Sums of Money as himself and the said Merchants, by Plurality of Voices, shall determine and judge reasonable, not exceeding two Pounds *per Centum* of the Freight, and of the Ship and Goods so defended, according to the first Costs of the Goods; which Sum or Sums of Money so raised, shall be distributed among the Captain, Master, Officers, and Seamen of the said Ship, or Widows and Children of the Slain, according to the Direction of the Judge of the said Court, or his Surrogate in the Port of *London*, or the Mayor, Bailiff, or chief Officer in the several Out-ports of this Kingdom, with the Approbation of the Merchants aforesaid, who shall proportion the same, according to their best Judgment, unto the Ship's Company as aforesaid, having special Regard unto the Widows and Children of such as shall have been slain in that Service, and such as have been wounded or maimed.

Encouragement for Commanders and Mariners to defend their Ships against Pirates, &c.

XII. And for the better and more effectual Prevention of Combinations and Confederacies, for the running away with or destroying of any Ship, Goods, or Merchandizes; be it further enacted by the Authority aforesaid, That a Reward of ten Pounds for every Ship or Vessel of one hundred Tons or under, and fifteen Pounds for every Ship or Vessel of a greater Burthen, shall be paid by the Captain, Commander, or Master of every Ship or Vessel, wherein any such Combination or Confederacy shall be set on foot, for the running away with or destroying any such Ship, or the Goods and Merchandizes therein laden, to such Person as shall first make a Discovery thereof, upon due Proof of such Combination or Confederacy; the same to be paid at the Port where the Wages of the Seamen of the said Ship are or ought to be paid, after such Discovery and Proof made.

Reward to discover any Combination for running away with Ship, &c.

and how to be paid.

XIII. Provided also, That this Act shall be in force for seven Years, and to the End of the next Session of Parliament after the Expiration of the said seven Years, and no longer.

Act to be in force for seven Years. Made perpetual by 6 Geo. 1. c. 19. and enforced by 8 Geo. 1. c. 24.

XIV. And for the more effectual Prosecution and Punishment of Piracies, Felonies, and Robberies upon the Sea, and of all other Offences afore-mentioned; be it declared and enacted by the Authority aforesaid, That the Commissioners appointed or to be appointed by the aforementioned Statute of King *Henry* the Eighth, or the Commissioners for Trial of Pirates appointed by this Act, shall, from and after the said nine and twentieth Day of *September*, one thousand seven hundred, have the sole Power and Authority of trying, hearing, and determining the said Crimes and Offences, within all or any of the Colonies and Plantations in *America*, governed by Proprietors, or under Grants or Charters from the Crown, and of bringing the Offenders to condign Punishment; and shall and may issue forth their Warrant or Warrants for the seizing and

Commissioners, &c. shall have Power to try the aforesaid Crimes in the Colonies in America.

and apprehending of any Pirates Felons, or Robbers upon the Sea, or their Confederates or Accessaries, being within any of the said Colonies and Plantations, in order to their being brought to Trial within the same, or any other Plantation in *America*, according to this Act, or sent into *England* to be tried there; and that all and every Governor and Governors, Person and Persons in Authority in the said Colonies and Plantations governed by Proprietors, or under Charters as aforesaid, shall assist the Commissioners and their subordinate Officers in doing their Duty, and also in the Execution of such Warrants, and otherwise, and shall deliver up to such Commissioner or Commissioners, Officer or Officers, any Pirates, Felons, and Robbers upon the Sea, and their Confederates and Accessaries, in order to their being tried or sent into *England* as aforesaid; any Letters Patents, Grants, or Charters of Government, in and about the said Plantations, or other Usages heretofore had or made, to the contrary notwithstanding.

Governors of the said Colonies, &c. to assist Commissioners, &c. and deliver up Pirates, &c.

XV. And be it hereby further declared and enacted, That if any of the Governors in the said Plantations, or any Person or Persons in Authority there, shall refuse to yield Obedience to this Act, such Refusal is hereby declared to be a Forfeiture of all and every the Charters granted for the Government or Propriety of such Plantation.

Penalty on Governor, &c. not yielding Obedience to this Act.

XVI. Provided always, and be it enacted by the Authority aforesaid, That whensoever any Commission for the Trial and Punishment of the Offences aforesaid, or any of them, shall be directed or sent to any Place within the Jurisdiction of the Cinque Ports, that then every such Commission shall be directed unto the Lord Warden of the Cinque Ports for the Time being, or to his Lieutenant, and unto such other Persons as the Lord High Chancellor, or Keeper of the Great Seal of *England* for the Time being, or Commissioners for the Custody of the Great Seal, shall name and appoint; and likewise that every Inquisition and Trial, to be had by Virtue of such Commission so directed and sent to any Place in the said Cinque Ports, shall be made and had by the Inhabitants of the said Cinque Ports, or the Members of the same; any Thing in this Act to the contrary thereof notwithstanding.

How Commissions for trying of Offences within the Jurisdiction of the Cinque Ports shall be directed, and Inquisition made.

XVII. And, for the Prevention of Seamen deserting of Merchant Ships abroad in Parts beyond the Seas, which is the chief Occasion of their turning Pirates, and of great Detriment to Trade and Navigation in general; be it enacted by the Authority aforesaid, That all such Seamen, Officers, or Sailors, who shall desert the Ships or Vessels wherein they are hired to serve for that Voyage, shall for such Offence forfeit all such Wages as shall be then due to him or them.

Seamen deserting Merchant Ships to lose Wages.

XVIII. And be it further enacted by the Authority aforesaid, That in case any Master of a Merchant Ship or Vessel shall, after the nine and twentieth Day of *September*, one thousand and seven hundred, during his being Abroad, force any Man on Shore, or wilfully leave him behind in any of his Majesty's Plantations, or elsewhere, or shall refuse to bring Home with him again all such of the Men which he carried out with him, as are in a Condition to return, when he shall be ready to proceed in his Homeward-bound Voyage, every such Master shall, being thereof legally convicted, suffer three Months Imprisonment without Bail or Mainprize.

Penalty on Master, &c. forcing Seamen on Shore, or refusing to bring him Home. 4 Ann. c. 34.; 1 Geo. 1. c. 25.; 9 Geo. 1. c. 8.; 6 Geo. 1. c. 19.; and see 8 Geo. 1. c. 24. for the more effectual suppressing of Piracy.

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11 & 12 GULIELMI III. Cap. XII.

An Act to punish Governors of Plantations in this Kingdom, for Crimes by them committed in the Plantations.

25 Car. 2. c. 7.

WHEREAS a due Punishment is not provided for several Crimes and Offences committed out of this his Majesty's Realm of *England*, whereof divers Governors, Lieutenant Governors, Deputy Governors, or Commanders in Chief of Plantations and Colonies within his Majesty's Dominions beyond the Seas, have taken Advantage, and have not been deterred from oppressing his Majesty's Subjects within their respective Governments and Commands, nor from committing several other great Crimes and Offences, not deeming themselves punishable for the same here, nor accountable for such their Crimes and Offences to any Person within their respective Governments and Commands: For Remedy whereof, be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in Parliament assembled, and by the Authority of the same, That if any Governor, Lieutenant Governor, Deputy Governor, or Commander in Chief of any Plantation or Colony within his Majesty's Dominions beyond the Seas, shall after the first Day of *August*, one thousand seven hundred, be guilty of oppressing any of his Majesty's Subjects beyond the Seas, within their respective Governments

Oppression of Governors, &c. of any Colony, &c. beyond the Sea,

vernments or Commands, or shall be guilty of any other Crime or Offence, contrary to the Laws of this Realm, or in force within their respective Governments or Commands, such Oppressions, Crimes, and Offences, shall be inquired of, heard and determined in his Majesty's Court of King's Bench here in *England*, or before such Commissioners, and in such County of this Realm, as shall be assigned by his Majesty's Commission, and by good and lawful Men of the same County, and that such Punishments shall be inflicted on such Offenders, as are usually inflicted for Offences of like Nature committed here in *England*.

may be tried in England.

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12 GULIELMI III. No. XXVIII.

An Act for continuing the Governor and Company of Merchants of London *trading to the* East-Indies, *a Corporation.*

Cap. 44.

WHEREAS by an Act made in the ninth Year of his present Majesty's Reign, intituled, *An Act for raising a Sum not exceeding two Millions, upon a Fund for Payment of Annuities, after the Rate of eight Pounds* per Centum per Annum, *and for settling the Trade to the* East-Indies, several Duties upon Salt, and other Duties therein mentioned, are subject to the Payment of Annuities after the Rate of eight Pounds *per Centum per Annum*, for ever (redeemable nevertheless by Parliament upon the Terms mentioned in the said Act) to such Person or Persons, Natives or Foreigners, Bodies politic or corporate, who should subscribe any Sum or Sums of Money not exceeding two Millions, by and for themselves, or any of them, or by themselves, or any of them, in trust for any other Person or Persons, Bodies politic and corporate, or any of them (the Governor and Company of the Bank of *England* only excepted), according to the Direction of the said Act: And for the further Encouragement of the said Subscribers, the sole Trade and Liberty of Traffic and Merchandize to and from the said *East Indies*, and all Ports and Places beyond the Cape *de Bona Esperanza* to the Streights of *Magellan*, is also by the said Act granted to the said Subscribers, under a Proviso or Clause nevertheless contained in the said Act, that the same should not extend to restrain the Governor and Company of Merchants of *London* trading into the *East-Indies*, to continue to trade within the Limits aforesaid, until the nine and twentieth Day of *September*, one thousand seven hundred and one: And whereas *John Dubois* of *London*, Merchant, hath, by the Direction of and in Trust for the Corporation of the said Governor and Company of Merchants of *London* trading into the *East-Indies*, subscribed and paid the Sum of three hundred and fifteen thousand Pounds, as Part of the said Sum of two Millions, in order to entitle the said Governor and Company to the several Benefits of the said Act; of which said Benefits, they will notwithstanding be deprived, should they cease to be a Corporation: And for that several hundred Persons are interested in the said Subscription of three hundred and fifteen thousand Pounds, they cannot manage the same, and the Benefit of Trade accruing thereby, but in a Corporation; be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Governor and Company of Merchants of *London* trading into the *East-Indies*, shall remain, continue, and be one Body corporate and politic, by the Name aforesaid, subject nevertheless to be determined upon Redemption of the Fund by the said Act granted, any Condition or Proviso contained in any Letters Patents granted to the said Governor and Company for determining their Corporation, or any Thing done or to be done in Pursuance thereof, to the contrary in anywise notwithstanding.

Anno

Anno primo

ANNÆ REGINÆ.

CAP. XII.

An Act for granting an Aid to her Majesty by divers Subsidies and a Land Tax.

[So much thereof as relates to the *East-India Company*.]

Recital of the Obligation of the Company by Charters to furnish Government with Saltpetre.

CXIII. AND whereas the General Society intitled to the Advantages given by an Act of Parliament for advancing a Sum not exceeding two Millions, for the Service of the Crown of *England*, by a Covenant in the Charter to them granted by his late Majesty King *William* the Third, bearing Date the third Day of *September*, in the tenth Year of his Reign, is obliged to furnish into her Majesty's Stores (if demanded) five hundred Tons of Saltpetre yearly for the first Cost, Freight, Duties, and other Charges thereupon to be ascertained in the Manner therein mentioned; and the *English* Company trading to the *East-Indies*, as a Member of the said General Society, is by a Covenant in the Charter granted to the said Company, bearing Date the fifth Day of *September*, in the tenth Year of the Reign of his said late Majesty King *William*, obliged to furnish yearly a proportionable Part of the said five hundred Tons (if demanded), and the Governor and Company of Merchants of *London* trading into the *East-Indies*, also as a Member of the said General Society, are obliged to furnish yearly another Proportion of the said five hundred Tons (if demanded), and the particular Members of the said General Society (other than the said Companies) are obliged to furnish yearly the Remainder of the said five hundred Tons (if demanded), for the Cost, Freight, Duties, and other Charges aforesaid: And whereas the said Governor and Company of Merchants of *London*, trading into the *East-Indies*, and the said *English* Company, have agreed to unite their capital Stock in the said two Millions, and trade to the *East-Indies*, and other Parts within the Limits of their Charters whereunto they severally are intitled, under the Act of Parliament of the ninth Year of his said late Majesty's Reign, intituled, *An Act for raising a Sum not exceeding two Millions, upon a Fund for Payment of Annuities after the Rate of eight Pounds* per Centum per Annum, *and for settling the Trade to the* East Indies, whereupon a new Charter is intended to be passed: Now it is hereby provided and enacted, by the Authority aforesaid, That from the twenty-ninth Day of *September*, one thousand seven hundred and one, until the said Union shall be perfected, under the great Seal of *England* four hundred and ninety-four Tons and one Quarter of good, clean, and merchantable Saltpetre, shall yearly (if it be demanded), be delivered into the Stores of her Majesty, her Heirs and Successors, at the certain Price herein-after limited; (that is to say), by the said Governor and Company of Merchants of *London* trading into the *East-Indies*, for their Proportion, seventy-eight Tons and three Quarters; and by the said *English* Company, four hundred and fifteen Tons and a Half; and that after the perfecting of the said Union, and during the Continuance thereof in a joint Management, the like Quantity of four hundred and ninety-four Tons and one Quarter of such Saltpetre shall yearly (if demanded) be delivered into the said Stores by the said *English* Company, and its Successors, out of the said united Trade: And after the Determination of such joint Management, then by the said *English* Company singly, during so long Time as the said *English* Company shall have Right and Power to trade to the *East-Indies*, under the said Act of Parliament in that Behalf; and that in like Manner from the twenty-ninth Day of *September*, one thousand seven hundred and one, the Quantity of five Tons and three Quarters of good, clean, and merchantable Saltpetre, shall yearly (if demanded) be delivered into the said Stores at the same certain Price by the other Members of the said General Society for the Time being.

Recital that a new Charter is intended to be granted.

After 29 Sept. 1701, until the Union between the two East-India Companies be perfected under the great Seal, 494 Tons and a Quarter of Saltpetre shall (if demanded) be delivered into her Majesty's Stores; viz. the old Company 78 Tons and three Quarters, and the new Company 415 Tons and a Half; and after the said Union, and during the Continuance thereof, 494 Tons and a Quarter yearly.

And after the Determination of such

Union, then by the said new or English Company singly. And from the said 29 Sept. 1701, 5 Tons and three Quarters

of Saltpetre be delivered in like Manner by the other Members of the said General Society.

The Price of such Saltpetre.

CXIV. And it is hereby enacted and declared, That the Price of all the said Saltpetre, to be served in Time of Peace, shall be five and forty Pounds *per* Ton, and in Time of War, shall be fifty-three pounds *per* Ton; and that upon the refining the said Saltpetre, whether it be brown or white, if the Refraction be above fifteen Pounds in every one hundred and twelve Pounds Weight, then the Overplus of such Refraction, at the Rate aforesaid, shall be repaid to her Majesty by the said Companies and Members respectively out of the said Price, and if the Refraction be under fifteen Pounds in every one hundred and twelve Pounds Weight, then the said Companies, and other Members of the said General Society, shall be allowed and paid at the Price

Directions relative to the Refraction of such Saltpetre.

Price aforesaid so much more as the Difference between the real Refraction of their Petre, and the said stated Refraction of fifteen Pounds *per Centum*, shall amount to.

In any Charter to be granted to the said Companies they shall be obliged to deliver their Proportions at the Prices aforesaid.

CXV. And it is hereby further declared, That in any Charter to be granted to the said Companies, or either of them, they shall be obliged by Covenant to deliver their Proportions of the said Saltpetre, being paid for the same at the certain Prices aforesaid, according to this Act, instead of the Quantities which the said two Companies, or either of them, or the said particular Members, by the said former Charters are obliged to furnish for the first Cost, Freight, Duties, and other Charges, as aforesaid; any Thing in the said former Charters, or any of them, contained to the contrary notwithstanding.

2 & 3 ANNÆ. Cap. ix.

An Act for granting to her Majesty an additional Subsidy of Tonnage and Poundage for three Years; and for laying a further Duty upon French *Wines condemned as lawful Prize; and for ascertaining the Values of unrated Goods imported from the* East-Indies.

[So much thereof as relates to the *East-India Company.*]

Unrated Goods of East-India and China,

VI. AND whereas several Goods, Wares and Merchandizes, of the Growth, Product or Manufacture of the *East-Indies* or *China*, or of other Parts within the Limits of the Charters granted to the Companies, and other Traders who are allowed to trade to the *East-Indies*, are not particularly rated in the Book of Rates established by Law, but are by several Laws and Statutes now in Force charged upon the Importation thereof, with several Duties to be paid according to the Values of the said Goods, Wares, and Merchandizes respectively. Now, for the better securing such Duties, and ascertaining the Values according to which such Duties shall be paid for the future, it is hereby further enacted by the Authority aforesaid, That from and after the said eighth Day of *March*, one thousand seven hundred and three, upon the Importation of any such unrated Goods, Wares, and Merchandizes, of the Growth, Product or Manufacture of the *East-Indies*, *China*, or other the Parts within the Limits aforesaid, now liable to pay Duties *ad valorem*, as aforesaid, by any Act or Acts of Parliament already made in that Behalf, during the Continuance of the same Act and Acts of Parliament, or any of them, an Entry or Entries thereof shall be made in the Custom-house, where such Goods, Wares or Merchandizess shall be imported, and before the landing thereof, the Importer or Importers of the same shall give Security by Bond, with two or more sufficient Sureties (which the Commissioners or proper Officers of the Customs are hereby empowered to take), for Payment of the said Duties, according to the real Values of the said Goods, to be ascertained according to this Act (except Coffee, the Duties whereof are to be regulated according to the former Acts concerning the same), as soon as the said Goods shall be sold; and also for exposing the Goods so imported to sale, openly and fairly by Way of Auction, or by Inch of Candle, within the City of *London*, within the Time of twelve Months after the Importation thereof.

to be entered in the Custom-house.

Importer to give Security for paying the Duties, &c.

(except Coffee),

and for exposing them to sale, &c.

How such Goods shall be valued,

VII. And it is hereby enacted and declared, That the Value of such Goods, according to which the said Duties are to be paid (except Coffee, as aforesaid) shall be reckoned according to the gross Price at which such Goods shall be so sold, making such Allowances only out of the same as are herein-after mentioned; (that is to say) it is hereby enacted, That out of the Values of the said Goods so to be ascertained by the Price at the Candle, as aforesaid, there shall be a Deduction and Allowance made of so much as the net Duties, payable to her Majesty for the same Goods respectively, do amount unto (except the Duty of five Pounds *per Centum*, payable to the Queen for the Use of the said Companies), and so much as the respective Companies or Traders aforesaid shall *bonâ Fide* allow for prompt Payment to the Persons who at such Sales shall buy the said Goods at Time: and also upon the whole Values of the said Goods so to be ascertained by the Price at the Candle, there shall be deducted and allowed six Pounds for every hundred Pounds to the said Companies and Traders respectively, for their Charges in keeping the said Goods, from the Time such Goods are imported till the Sale by the Candle, and in that Proportion for a greater or lesser Value.

and what Deductions and Allowances.

Such unrated Goods landed before the due Entry, &c.

VIII. And be it further enacted by the Authority aforesaid, That in case any such unrated Goods of the Growth, Product or Manufacture of the *East-Indies*, *China*, or other the Parts within the Limits aforesaid, shall be landed or put on shore out of any Ship or Vessel before due Entry thereof be made at the Custom-house, in the Port or Place where the same shall be imported, and the said Duties shall be secured, as aforesaid, or without a Warrant for the landing or delivering the same, first signed by the Commissioners, Collectors, or other proper Officer or Officers of the Customs respectively, that all such imported Goods as shall be so landed and put on shore, or taken out of any Ship or Vessel, contrary to the true Meaning hereof, or the Value of the same, shall be forfeited, and shall and may be seized or recovered of the Importer or Proprietor thereof, (to wit) two thirds of the same to the Use of her Majesty, her Heirs and Successors (she or they bearing the Charge of Prosecution), and the other third Part to the Use of such Person or Persons as will seize, inform, or sue for the same, or the Value thereof, by Action, Bill, Suit, or Information, wherein no Essoin, Protection, or Wager of Law, shall be allowed: Nevertheless the said Duties so to be paid upon the Values so ascertained of the said unrated Goods, Wares and Merchandizes (except the necessary Charges of raising, collecting, and answering the same) shall be applied and disposed to the same Uses and Purposes to which the respective Duties, upon the same Goods payable in any other Manner by any former Act or Acts, were appropriated or applicable.

to be forfeited, &c.

Duties how to be applied.

The like Drawbacks as by former Acts.

IX. Provided always, and it is hereby enacted, That in all Cases whereby the said former Acts concerning the said Duties of unrated Goods, or any of them, any Drawbacks or Allowances were to be made of all or any Part of the Duties, upon the Exportation thereof, within the respective Time or Times thereby limited, there shall be the like Dawbacks or Allowances made of or out of the Duties of the same Goods, to be ascertained by this Act.

18 Months allowed from Entry inwards to export Tobacco, &c.

Proviso.

XIII. And whereas the Time for Exportation of Tobacco, Sugar, Ginger, Pepper, Bugles *alias* Beads, cast and bar Iron, dying Wood, all dying Wares, and all Drugs, by *English* Merchants, in order to drawback, is limited to twelve Months, which by Experience is found to be too short, and very inconvenient to Trade; be it therefore enacted by the Authority aforesaid, That all *English* Merchants shall, from the said eighth Day of *March*, have eighteen Months Time from the Entry inwards of all Tobacco, Sugar, Ginger, Pepper, Bugles *alias* Beads, cast and bar Iron, all dying Wood, dying Wares, and all Drugs, to export the same; and shall have the like Benefit and Drawback by such Exportation, as if the same had been exported within twelve Months, according to the second Rule in the Book of Rates; the said Rule, or any other Law or Custom now in force relating thereunto, notwithstanding: Provided Certificates be taken forth, and Oath made and all other Requisites performed according to the Laws now in being.

Oath of the Agent or Husband of any Company, &c.

or Servant of Merchant, &c.

XIV. And be it further enacted, That in all Cases where the Oath of Merchants, importing and exporting, is by Law required to obtain any Drawback or Allowance upon the Exportation of any foreign Goods, the making of such Oath by the Agent or Husband of any Corporation, or Company, trading by a joint Stock, affirming the Truth of the Officer's Certificate of the Entry and due Payment of the Duties of such foreign Goods by any such Company or Corporation; and the making of such Oath by the known Servant of any Merchant usually employed in the making his Entries, and paying his Customs, for any Goods of a Merchant so to be exported, shall be of the like Effect as if the said Oaths were made by any particular Merchant or Merchants themselves.

Unrated Goods how to be ascertained.

XV. And, for ascertaining the Values of any unrated Goods imported before the said eighth Day of *March*, one thousand seven hundred and three, from the *East-Indies* and *China*, or any other Parts within the Limits aforesaid, by the two Companies impowered to trade thither, or either of them; it is hereby further enacted, That the Oath of two Directors or Members of the Committee of the said Companies, shall be admitted to affirm the Value of such Goods so already imported, according to which the Duties *ad valorem* for the same are to be paid; any former Act or Acts of Parliament or Usage to the contrary notwithstanding.

6 ANNÆ. Cap. III.

An Act for better securing the Duties of East-India *Goods.*

Preamble. Cap. 44.

WHEREAS by an Act of Parliament made in the ninth Year of the Reign of his late Majesty King *William* the Third, of glorious Memory, intituled, *An Act for raising a Sum not exceeding two millions, upon a Fund for Payment of Annuities, after the Rate of eight Pounds per* Centum,

Centum per Annum, *and for settling the Trade to the* East-Indies, it was enacted, That no Company or particular Person or Persons, who should have a Right, in Pursuance of the said Act, to trade to the *East-Indies*, or other the Parts within the Limits in the said Act mentioned, should be allowed to trade thither, until sufficient Security was first given (which the Commissioners of the Customs in *England*, or any three or more of them for the Time being, were thereby authorised and required to take, in the Name and to the Use of his said late Majesty, his Heirs and Successors) that such Company or particular Persons should cause all the Goods, Wares, Merchandizes, and Commodities, which at any Time or Times afterwards, during the Continuance of the said Act, shou ldbe laden by or for them or any of them, or for their or any of their Accounts, in any Ship or Ships whatsoever bound from the *East-Indies*, or Parts within the Limits mentioned in the said Act, should be brought (without breaking Bulk) to some Port of *England* or *Wales*, and there be unladen and put on Land (the Danger of the Seas, Enemies, Piratess, Restraints of Princes and Rulers, and Barratry of Seamen, excepted): And whereas the said Act, and the Security to be given in Pursuance thereof, have been by Experience found not to be sufficient to hinder and prevent the unlading or putting on Shore in divers Places and Countries other than the Kingdom of *England* or Dominion of *Wales*, great Quantities of Goods brought from the *East-Indies*, or some Port or Places within the Limits mentioned in the said recited Act, to the great Loss of her Majesty's Customs, and the Trade and Navigation of this Kingdom in general; and whereas some Difficulties have arisen touching the Acceptance of the Security directed by the said Act: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Security to be hereafter given in Pursuance of the said Act, shall be after the Rate of two thousand five hundred Pounds for every hundred Ton the Ships or Vessels shall be respectively let for, that shall be sent to the said *East-Indies*, or other Parts within the Limits in the said Act mentioned, and so proportionably for any lesser Part than an hundred Tons; and that the *English* Company trading to the *East-Indies* shall for each Ship or Vessel which shall be sent out from *Great-Britain*, and employed by them, or for their Account, give Security as aforesaid, by their common Seal; the Condition whereof shall be in the Form following: viz.

2,500l. Security to be given for every hundred Ton that Ships sent to the East-Indies shall be let for.

Company to give such Security. See 10 Ann. c. 29. 13 Geo. 3. c. 44. sect. 4.

Form of the Condition.

WHEREAS, in Pursuance of an Act of Parliament made in the ninth Year of his late Majesty's Reign, intituled, An Act for raising a Sum not exceeding two Millions, upon a Fund for Payment of Annuities after the Rate of eight Pounds *per Centum per Annum*, and for settling the Trade to the *East-Indies, the Ship* *whereof Captain* *is Master, of the Burthen of* *Tons, is under the Regulation of the said Act, bound out upon a Voyage to the* East-Indies, *or other Parts within the Limits prescribed by the said Act, with a Cargo or Lading of Goods, upon Account of the above bound* English *Company trading to the* East-Indies. *The Condition of this Obligation is such, That if all the Goods, Wares, Merchandizes and Commodities which shall at any Time or Times hereafter, during the Continuance of this present intended Voyage, be laden by or for the said Company, or any of them, or for their, or any of their Accounts in the said Ship, from the said* East-Indies, *or Parts aforesaid, shall be, without breaking Bulk, brought to some Port of* Great-Britain, *and there be unladen, and put on Land (the Danger of the Seas, Enemies, Pirates, Constraint of Princes and Rulers, Barratry of Seamen, and necessary Provisions, Stores, and Merchandizes for the People and Garrison of* St. Helena, *only for their own proper Consumption, excepted) then this Obligation shall be void, or else remain in full Force, Effect and Virtue.*

All Goods shipped in India, &c. to be unladen in Great Britain,

except Necessaries for St. Helena.

II. And that besides the several and respective Securities to be given by this or the said former Act against breaking Bulk, all the Goods, Wares, Merchandizes and Commodities which shall be loaden in the *East-Indies*, or other the Parts within the Limits mentioned in the said Act, upon any Ship or Vessel belonging to any of her Majesty's Subjects, with intent to be transported out of and from the said *East-Indies*, or other the Parts within the Limits aforesaid, the same shall be brought in some Port of *Great-Britain*, and there shall be unladen and put on Shore (necessary Provisions, Stores, and Merchandizes for the People and Garrison of *St. Helena*, for their own proper Consumption only, excepted); and except also where the breaking of Bulk or landing of Goods in breach of this or the said former Act shall happen to be by the Danger of the Seas, Enemies, Pirates, Restraints of Princes or Rulers, or Barratry of Seamen, on pain of forfeiting all such Goods, which contrary to this Act shall be landed elsewhere than in some Port of *Great-Britain*, or the Value thereof to be recovered, one Moiety thereof to her Majesty, her Heirs and Successors, and the other Moiety thereof to the Person or Persons who shall seize, inform, or sue for the same in any of her Majesty's Courts of Record at *Westminster*, wherein no Essoin, Protection, or Wager of Law, shall be allowed.

Penalty on landing elsewhere.

6 ANNÆ. Cap. XVII.

An Act for assuring to the English *Company trading to the* East-Indies, *on Account of the united Stock, a longer Time in the Fund and Trade therein mentioned, and for raising thereby the Sum of twelve hundred thousand Pounds for carrying on the War, and other her Majesty's Occasions.*

Preamble, reciting 9 W. 3. c. 44. for establishing the East-India Company.

MOST gracious Sovereign: Whereas in and by an Act made in the ninth Year of the Reign of our late Sovereign Lord King *William* the Third (of glorious Memory), intituled, *An Act for raising a Sum not exceeding two Millions, upon a Fund for Payment of Annuities, after the Rate of eight Pounds* per Centum per Annum, *and for settling the Trade to the* East-Indies, it is, amongst other Things, enacted, That all the Monies arising by the several Duties upon Salt and Rock-salt, and upon stamped Vellum, Parchment, and Paper, in the said Act mentioned, should be brought and paid into the Receipt of the Exchequer yearly and every Year, reckoning the first Year to begin from the nine and twentieth Day of *September*, one thousand six hundred and ninety-eight, and that one hundred and sixty thousand Pounds *per Annum*, of the Monies to arise by the said several Duties, and to be brought into the Exchequer by weekly or other Payments, in case the same Payments should extend thereunto, should be the whole and entire yearly Fund; and in case the same weekly or other Payments should not extend to one hundred and sixty thousand Pounds *per Annum*, then the said weekly Monies or Payments, so far as the same should extend, should be Part of the yearly Fund for and towards the answering and paying of the Annuities of eight Pounds *per Centum per Annum*, to such Persons or Corporations as should subscribe and pay in their Monies upon the Terms of the said Act: And it is thereby further enacted, That it should and might be lawful for his Majesty, by Commission under the then Great Seal of *England*, to authorize and appoint any Number of Persons to take and receive all such voluntary Subscriptions as should be made on or before the said nine and twentieth Day of *September*, one thousand six hundred and ninety-eight, by or for any Person or Persons, Natives or Foreigners, Bodies politic or corporate (the Governor and Company of the Bank of *England* only excepted) of any Sum of Money whatsoever, not less than one hundred Pounds, for and towards the raising and paying into the Receipt of the Exchequer the Sum of two Millions of Pounds Sterling: And it was therein further enacted, That during the Time thereby limited for taking the said Subscriptions, it should and might be lawful to and for all and every Person and Persons, Natives and Foreigners, Bodies politic and corporate, by or for themselves, or any of them, or in Trust for any other Person or Persons, Bodies politic or corporate, or any of them (except as aforesaid), freely to subscribe any Sum of Money, not less than one hundred Pounds, for or towards the said Sum of two Millions; and that all Monies so to be subscribed should be answered and paid in such Manner and Form as in the said Act is expressed: And it was thereby further enacted, ordained, and declared, That every Person and Body politic, who should subscribe as aforesaid, and be named or contained in such Book or Books as are therein-mentioned, his, her, or their Heirs, Executors, Administrators, Successors, and Assigns respectively, should have, receive, and enjoy for ever, out of the Fund by the said Act settled and provided, one Annuity or certain yearly Sum, for the whole Sum by him, her, or them subscribed, according to the Rate or Proportion of eight Pounds *per Centum per Annum*, in the Manner thereby prescribed: And it is thereby further enacted, That it should and might be lawful to and for his said late Majesty, by Letters Patents under the then Great Seal of *England*, to incorporate all and every Person and Persons, Natives and Foreigners, Bodies politic and corporate, who should subscribe, or for whom Subscription should be taken, and upon whose Subscriptions such Payment should be made, as is therein expressed, and all and every Person and Persons, Bodies politic and corporate, who as Executors, Administrators, Successors, or Assigns, or by any other lawful Title, derived or to be derived from, by, or under the said original Subscribers, at any Time or Times thereafter, should have or be intitled to any Part, Share, or Interest, of or in the said yearly Fund, so long as they respectively should have any such Part, Share, or Interest therein, to be one Body politic and corporate, by the Name of, *The General Society entitled to the Advantages given by an Act of Parliament, for advancing a Sum not exceeding two Millions, for the Service of the Crown of* England, with such Succession, Capacity, and Powers as in the said Act is mentioned; and in such Charters or Letters Patents, such further Rules, Powers, and Clauses for carrying on Trade, and pursuing the Ends and Intent of the said Act, were to be inserted, as should be lawfully and reasonably desired in that Behalf: And it was thereby further enacted, That in case the said whole Sum of two Millions, or one Moiety or any greater Part of the said Sum of two Millions, should be subscribed, as aforesaid, on or before the said nine and twentieth Day of *September*,

September, one thousand six hundred and ninety-eight, that then, and from thenceforth, all and every the Person and Persons, Natives and Foreigners, Bodies politic and corporate, by or for whom such Subscriptions should be made, and all and every Person and Persons, Bodies politic and corporate, who as Executors, Administrators, Successors, or Assigns, or by any other lawful Title, derived or to be derived from, by or under the said original Subscribers at any Time or Times thereafter, should have or be entitled to any Part, Share, or Interest of and in the said yearly Fund, and of and in a proportional Part of the principal Stock of the said General Society, so long as they respectively should continue to have any Part, Share, or Interest therein; and all and every Person and Persons, who for any Time should be licensed by such Person or Persons, Bodies politic or corporate, to trade in the Stead of them, should, or lawfully might for ever thereafter, by themselves severally, or by such Factors, Agents, or Servants as they severally should think fit to entrust, freely traffic, and use the Trade of Merchandize into and from the *East-Indies*, and Parts or Limits in the said Act mentioned, in such Manner, and by such Proportions, and subject to such Restrictions, as in the said Act are expressed. And it was further thereby enacted, That if the said whole Sum of two Millions, or one Moiety, or any greater Part thereof, should be subscribed on or before the said nine and twentieth Day of *September*, one thousand six hundred and ninety-eight, and all or any Corporations, or other Person or Persons, having particular Shares or Interests in the said principal Stock of the said General Society, or in proportionable Annuities or yearly Payments issuing out of the said yearly Fund, should be willing and desirous to unite and join together such their several Shares and Interest, and to be incorporated, so as they might be able to manage their Trade (in Proportion to their Interests) as a Company, and by a Joint-Stock, that then it should and might be lawful for his said late Majesty, by Letters Patents under the then Great Seal of *England*, to incorporate all such Persons and Corporations, by such proper Names as he should think fit, to be one Company, with Power to manage and carry on their Trade to the *East-Indies*, and other the Limits in the said Act mentioned, by a Joint-Stock, and to have perpetual Succession, and a common Seal, with Power to grant and take, sue and be sued, and to choose their own Managers, Directors, and Officers from Time to Time, and such other Powers and Clauses as should be necessary or requisite for the carrying on of such Trade, and should be reasonable for his said late Majesty to grant, nevertheless with such Restrictions, as in the said Act is mentioned; and the Directors and Managers, and other Members of such Company, were to be subject to such further Rules, Qualifications, and Appointments, as his said late Majesty in such Charter should think necessary or reasonable to be inserted: And in the said Act there is contained a Proviso or Condition of Redemption, in such Manner and Form as therein, and hereafter in this present Act are expressed. And it is also thereby enacted, That in case the Duties arising or appropriated by the said Act, should at any Time or Times appear to be so deficient in the Produce of the same, as that within any one Year, to be reckoned from the nine and twentieth Day of *September*, which should be in the Year of our Lord one thousand six hundred and ninety-nine, the weekly Payments upon the same Duties should not Amount to so much as should be sufficient to discharge and satisfy the several and respective Benefits, yearly Payments or Advantages by the said Act appointed or intended to be paid, within or for the same Year respectively, in every such Case, every such Deficiency should be answered by or out of the next Aids to be raised and granted by Parliament in the Manner therein mentioned, as by the said Act of Parliament, in which are contained divers other Powers, Provisoes, Authorities, Privileges, and Clauses (Relation being thereunto had) more fully and at large it doth and may appear: And whereas, in Pursuance of the said Act, his said late Majesty, by a Commission under the then Great Seal of *England* bearing Date at *Westminster* the fourteenth Day of *July*, in the tenth Year of his Reign, did authorize several Persons therein named to be Commissioners, with Power to take Subscriptions for and towards the raising and paying the said Sum of two Millions, as by the said Commission, Relation being thereunto had, may more fully appear: And whereas it appeared by Duplicates transmitted into the Office of the Auditor of the Receipt of his said late Majesty's Exchequer, that several Sums, amounting in the whole to the said Sum of two Millions of Pounds Sterling, were subscribed pursuant to the said Act: And whereas the said whole Sum of two Millions was entirely answered to his Majesty's Use: And whereas by a Charter under the Great Seal of *England*, bearing Date at *Westminster* the third Day of *September*, in the tenth Year of his said late Majesty's Reign, his Majesty created and established the said Corporation, or Body politic, called *The General Society entitled to the Advantages given by an Act of Parliament, for advancing a Sum not exceeding two Millions, for the Service of the Crown of* England, with such Powers, Privileges and Benefits as are therein expressed: And whereas by Letters Patents under the Great Seal of *England*, bearing Date at *Westminster* the fifth Day of *September*, in the said tenth Year of his said late Majesty's Reign, reciting that the Subscribers towards the said Sum of two Millions therein particularly named and expressed, were willing and desirous to unite or

Charter dated 3 Sept. 10. W. 3.

The General Society.

Charter 5 Sept.

or join together their several Shares or Interests in the principal Stock of the said General Society, or in their proportionable Annuities, or yearly Payments issuing out of the said yearly Funds, and to be incorporated so as they might be able to manage their Trade in Proportion to their Interest as a Company, and by a joint Stock, his said late Majesty did grant, ordain, and establish, that the Subscribers therein particularly named, and every of them, and all and every Person and Persons, Bodies politic and corporate, who, as Executors, Administrators, Successors or Assigns, or by any other lawful Title, derived, or to be derived from, by or under the same Subscribers, should have and be entitled to any Part, Share or Interest of or in the said yearly Fund, by the said Act settled, as aforesaid, or of or in the proportionable Annuities or yearly Payments issuing out of the said yearly Fund, so long as they respectively should have any such Part, Share or Interest therein, to be one Body politic and corporate, by the Name of *The* English *Company trading to the* East-Indies, with such Benefit of Trade, Powers, Privileges, and Advantages, and subject to such Restrictions, Conditions, Covenants and Agreements, as are therein expressed: And whereas, by another Act of Parliament made in the eleventh Year of his said late Majesty's Reign, reciting, that *John Dubois* of *London*, Merchant, had by Dircetion of, and in Trust for the Corporation of the Governor and Company of Merchants of *London* trading into the *East-Indies*, subscribed and paid the Sum of three hundred and fifteen thousand Pounds, as Part of the said Sum of two Millions, it was enacted, That the said Governor and Company of Merchants of *London* trading into the *East-Indies*, should remain, continue and be one Body corporate and politic by the Name aforesaid, subject nevertheless to be determined upon Redemption of the Fund by the said Act granted: And whereas, by an Indenture tripartite, bearing Date the two and twentieth Day of *July*, in the Year of our Lord one thousand seven hundred and two, made between your Majesty of the first Part, the Governor and Company of Merchants of *London* trading into the *East-Indies* of the second Part, and the *English* Company trading to the *East-Indies* of the third Part, it was (amongst other Things) agreed, with your Majesty's Approbation, that the said Governor and Company of Merchants of *London* trading into the *East-Indies* should purchase from the Members of the said *English* Company so much of their capital Stock as would make the Property of the said Governor and Company of Merchants of *London* trading into the *East-Indies* equal to the Property which would then remain to the other Members of the said *English* Company trading to the *East-Indies*; and that the whole Trade which might or should be carried on during the Term of seven Years, to be reckoned from the Date of that Indenture, to and from the *East-Indies*, and other the Parts within the Limits aforesaid, for or in Respect of their several Stocks and Funds thereby agreed to be united, should be for the Benefit and Behoof of all the Members of the said *English* Company trading to the *East-Indies*, proportionable to their Shares in the capital or principal Stock thereof; and that the said Governor and Company of Merchants of *London* trading to the *East-Indies*, should have a Right and Power equal to the Rest of the Members of the said *English* Company, in the Direction, Management, and carrying on of the said Trade, during the said Term of seven Years; and that, after the End or Expiration of the said Term of seven Years, the whole Trade to the *East-Indies*, and other the Parts within the Limits aforesaid, for or in Respect of their united Stock and Fund, should for ever (subject to the Redemption of the said Fund by Parliament) be wholly managed and carried on by the said *English* Company trading to the *East-Indies*, (by whatsoever Name the same should then be called), according to the said Charter of the fifth of *September* in the said tenth Year of his said late Majesty's Reign, and not otherwise; and to that End and Purpose, many Covenants, Conditions and Agreements were contained in the said Indenture, as by the same, Relation being thereunto had, may more fully appear: And whereas the united Stock of the said Governor and Company of Merchants of *London* trading into the *East-Indies*, and of all the Rest of the Members of the said *English* Company trading to the *East-Indies*, in their own Names, or in the Names of others in Trust for them, doth at this Time amount to one million nine hundred ninety-two thousand eight hundred Pounds, Part of the Sum of two millions before mentioned; and their united Fund doth amount to one hundred fifty-nine thousand four hundred twenty-four Pounds *per Annum*, Part of the Sum of one hundred and sixty thousand Pounds *per Annum* before-mentioned: And as well the said Governor and Company of Merchant of *London*, trading into the *East-Indies*, as the Rest of the Members of the said *English* Company trading to the *East-Indes*, are willing to advance to your Majesty in Manner herein after-mentioned, for carrying on the present War, and other your Majesty's necessary Occasions, a further Sum of twelve hundred thousand pounds of lawful Money of *Great Britain*, upon such Terms, Conditions and Advantages as are herein-after expressd and set down: Now we your Majesty's most dutiful and loyal Subjects, the Commons of *Great Britain* in Parliament assembled, being desirous not only to supply your Majesty with such Aids as may enable your Majesty to carry on the said War with Vigour, but also to raise the same in such a Manner as may create no new Charge upon your Subjects, do most humbly beseech your Majesty that it may be enacted;

English Company trading to the East-Indies.

English Company to advance 1,200,000l.

enacted; and be it enacted by the Queen's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the Authority of the same, That the said *English* Company trading to the *East-Indies*, as well for and on the Behalf of the Governor and Company of Merchants of *London* trading into the *East-Indies*, as for and on the Behalf of all other the Members of the said *English* Company, shall advance and actually pay into the Receipt of her Majesty's Exchequer, for her Majesty's Use, the said Sum of twelve hundred thousand Pounds, by such Proportions and at such Times as are herein after appointed for the Payment thereof; (that is to say) two hundred thousand Pounds, Part thereof, on or before the twelfth Day of *May*, which shall be in the Year of our Lord one thousand seven hundred and eight; two hundred thousand Pounds more thereof, on or before the twelfth Day of *July*, one thousand seven hundred and eight; two hundred thousand Pounds more thereof, on or before the eleventh Day of *September*, one thousand seven hundred and eight; two hundred thousand Pounds more thereof, on or before the twelfth Day of *November*, one thousand seven hundred and eight; two hundred thousand Pounds more thereof, on or before the twelfth Day of *January*, one thousand seven hundred and eight; and two hundred thousand Pounds more thereof, and in full Satisfaction of the said twelve hundred thousand Pounds, on or before the tenth Day of *March* which shall be in the Year of our Lord one thousand seven hundred and eight; and in Case the said *English* Company trading to the *East-Indies*, shall make Failure in any of the said Payments hereby appointed to be made, at or before the respective Days or Times before limited in that Behalf, the Monies whereof such Failure in Payment shall be made, shall and may be recovered to her Majesty's Use, by Action of Debt, or upon the Case, Bill, Suit or Information, in any of her Majesty's Courts of Record at *Westminster*, wherein no Essoin, Protection, Privilege, or Wager of Law, shall be allowed, or any more than one Imparlance; in which Action, Bill, Suit or Information, it shall be lawful to declare, that the said *English* Company trading to the *East-Indies*, are indebted to her Majesty the Monies of which they shall have made Default in Payment according to the Form of the Statute, and have not paid the same, which shall be sufficient; and in or upon such Action, Bill, Suit or Information, there shall be further recovered to her Majesty's Use, against the said *English* Company trading to the *East-Indies*, Damages after the Rate of twelve Pounds *per Centum*, for the Monies so unpaid contrary to this Act, besides full Costs of Suit; and the said *English* Company trading to the *East-Indies*, and their Successors, and the said united Stock and Fund, shall be and are hereby made subject and liable thereunto.

Times of Payment.

On Nonpayment, Company may be sued, &c.

Company may borrow 1,500,000*l.* on their common Seal.

II. And for the better enabling the said *English* Company trading to the *East-Indies*, to raise and pay the said Sum of twelve hundred thousand Pounds to her Majesty's Use as aforesaid, it is hereby declared and enacted by the Authority aforesaid, That the common Seal of the said *English* Company, now in the Hands of the Managers for the united Trade of the *English* Company trading to the *East-Indies*, shall and may be made use of to borrow any Sum or Sums of Money from Time to Time, upon Account of the said united Stock and Fund, so as the Sum total of all the principal Monies which at any one Time shall be owing upon the Security of the said Seal, do not exceed one million five hundred thousand Pounds, over and above the Monies which might lawfully be borrowed thereupon before the making of this present Act.

The two Companies may call in Monies for advancing 1,200,000*l.*,

or for repaying the Monies borrowed.

Executors, &c. indemnified.

III. And it is hereby enacted by the Authority aforesaid, That in Case the general Court of the said Governor and Company of Merchants of *London* trading into the *East-Indies*, and the general Court of the said *English* Company trading to the *East-Indies*, at any Time or Times whilst they shall separately continue, shall think fit, or if the general Court of the said *English* Company, after the Determination of the other general Court aforesaid, shall think fit to call in Monies from their respective Adventurers or Members, for or towards the raising the said Sum of twelve hundred thousand Pounds to be advanced to her Majesty's Use, or any Part thereof, or for repaying the Monies borrowed for that Purpose, or the Interest thereof, that then it shall and may be lawful to and for the said Governor and Company of Merchants of *London* trading into the *East-Indies*, and the said *English* Company trading to the *East-Indies*, respectively, at any Time or Times, during the separate Continuance of their general Courts, as aforesaid, and afterwards to and for the said *English* Company trading to the *East-Indies*, by whatsoever Name or Names the same shall then be called or known, to call in, or direct to be paid unto them respectively, from and by their respective Adventurers and Members for the Time being, proportionably, any Sum and Sums of Money which shall from Time to Time be so thought fit, for or towards the making up the said Sum of Twelve hundred thousand Pounds to be advanced to her Majesty's Use, as aforesaid, or for repaying the Monies borrowed for that Purpose, or the Interest thereof; and that all Executors, Administrators, Guardians, and Trustees, shall be indemnified in paying the same; and in Case any Adventurers or Members of the said respective Corporations, shall neglect or refuse

refuse to pay his, her, or their Shares of the Monies so called in, at the Time or Times appointed for that Purpose, by Notice to be fixed upon the *Royal Exchange* in *London*, or in Case any Adventurer or Adventurers, Member or Members of the said respective Corporations, shall neglect or refuse to pay his, her, or their Shares of the Monies which the said Companies, or either of them, shall (in Pursuance of the said first recited Act, and their respective Charters, or any or either of them) call in, for the carrying on of their Trade, at the Time or Times appointed for that Purpose, by the like Notice, as aforesaid; then, and in either of the said Cases, it shall and may be lawful for the said Governor and Company of Merchants of *London* trading into the *East-Indies*, and the said *English* Company trading to the *East-Indies*, respectively, and their respective Successors, not only to stop the Share or Dividends which shall from Time to Time become payable to such Adventurer or Adventurers, Member or Members, so neglecting or refusing, of the Fund, Stock, or Profits of the said respective Companies, and to apply the same from Time to Time for or towards Payment of the Share of the Money so called in, and which ought to have been paid by such Adventurer or Adventurers, Member or Members so neglecting or refusing to pay the same, until the same shall be satisfied, but also to stop the Transfers of the Shares of every such Defaulter, and to charge such Defaulter and Defaulters with an Interest after the Rate of six Pounds *per Centum per Annum* for the Monies so by him and them neglected to be paid, from the Time the same were appointed to be paid, until the Payment thereof; and the Share and Stock of such Defaulter and Defaulters shall be liable to make good and answer the said Monies so appointed to be paid, and the Interest thereof; and that in Case the Principal and Interest shall not be paid within the Space of three Months, then the said Governor and Company, and the said *English* Company, and their Successors respectively as aforesaid, shall have Power to sell so much of the Stock of such Defaulter or Defaulters as will satisfy and pay the same.

Members refusing to pay, Companies may stop their Dividends, &c.

and the Transfer of such Defaulters, and charge them with an Interest at 6*l.* per Cent.

Shares not paid in three Months, Companies may sell.

IV. And be it further enacted by the Authority aforesaid, That the said Sum of twelve hundred thousand Pounds agreed to be advanced and paid, as aforesaid, shall be, and be called, deemed and taken to be a further Addition to the capital Stock of the said *English* Company, and shall be, and is hereby exempted from any Taxes, Rates, Inpositions, or Assessments whatsoever.

The said 1,200,000*l.* to be a further Addition to the capital Stock, and Tax-free.

V. And be it further enacted by the Authority aforesaid, That the united Stock and Fund of the said *English* Company, and their Successors, by whatsoever Name or Names they shall be called or known, shall be and are by this present Act made subject and liable to the Payment and Satisfaction of all such Debts as are or shall be contracted by the same Company, for or upon Account of the said united Stock or Trade.

The united Stock liable to all Debts contracted, &c.

VI. And whereas by the said former Acts and Charters it was provided, That at any Time, upon three Years Notice, after the nine and twentieth Day of *September*, one thousand seven hundred and eleven, upon Re-payment of the said two Millions, and all Arrears of the said Annuities or yearly Payments, the said Duties upon Salt and Rock-Salt, and the said Duties upon stamped Vellum, Parchment, and Paper, and the said yearly Fund charged thereupon, and the said Annuities issuing out of the same, and the Duty of five Pounds in the Hundred on imported Goods therein expressed, and all the Corporations to be erected by or in Pursuance of that Act, and the Benefit of Trade thereby given or intended to be given to them or any of them, should absolutely cease and determine: now to the Intent that the said *English* Compony, and their Successors, may be encouraged to proceed in their Trade, and may have Time to settle Factories, and perform such other Matters and Things as are necessary for carrying on the said Trade to their best Advantage and Profit, it is hereby declared and enacted by the Authority aforesaid, That the last mentioned Proviso for Redemption and Determination of the said several Duties, yearly Fund, Annuities, Corporations, and Benefit of Trade, shall be, and is hereby repealed and made void; and that the said Duties upon Salt and Rock-Salt, and the said Duties upon stamped Vellum, Parchment, and Paper, and the said Duty of five Pounds in the Hundred upon imported Goods, shall continue, and the said *English* Company trading to the *East-Indies*, and their Successors, by whatsoever Name or Names they shall be called or known, shall have and enjoy the said yearly Sum of one hundred and fifty-nine thousand four hundred and twenty-four Pounds *per Annum*, and all the Benefit of Trade, Franchises, Privileges, Profits, and Advantages whatsoever, in respect thereof given and granted, or intended to be given or granted, unto them by the said Act of the ninth Year of his said late Majesty's Reign, or by the said Charter of the fifth Day of *September*, in the tenth Year of his said late Majesty's Reign, or by the said Indenture Tripartite of the two and twentieth Day of *July*, one thousand seven hundred and two, and every or any of them, freed and discharged of and from the said former Proviso, or Condition of Redemption, and all other Provisoes, Powers, Acts, Matters, or Things heretofore had, made, done, or committed, for redeeming, determining, or making void the said Duties, yearly Fund, Benefit of Trade,

For encouraging the English Company to carry on their Trade.

Former Proviso for Redemption repealed.

4

Subject nevertheless, &c.

Trade, Franchises, Privileges, Profits, and Advantages, or any of them; subject nevertheless to the Restrictions, Covenants, and Agreements in the said Act first recited, and the said recited Charters and Indenture Tripartite, or any of them, contained, or now in force, and also subject to the general Provisoes or Condition of Redemption hereafter in this Act contained.

Separate Stock confirmed.

But after 29 September, 1711, upon three Years' Notice and Repayment, &c.

the said separate Stock shall be vested in the English Company.

VII. And whereas several Persons who did subscribe, or do derive under Persons who did subscribe several Sums, amounting in the Whole to seven thousand two hundred Pounds, Part of the said two Millions, are in respect thereof entitled to five hundred and seventy-six Pounds *per Annum*, Part of the said Sum of one hundred and sixty thousand Pounds *per Annum*, and to a proportional Part of the Trade to the *East Indies*, and other the Parts aforesaid, have not united their Stock and Fund to the Stock and Fund of the said Corporations empowered to trade by a Joint-stock, as aforesaid, but do by themselves, or others by them licensed, carry on their Trade for their own separate Use and Accounts; it is hereby provided and enacted by the Authority aforesaid, That the several Persons entitled to the said Stock, amounting to seven thousand two hundred Pounds, their Executors, Administrators, and Assigns, shall and may peaceably and quietly have, hold, and enjoy their said Proportion of the said yearly Fund and Trade, as fully and effectually as they might have done if this Act had never been made; nevertheless it shall and may be lawful to and for the said *English* Company and their Successors, at any Time after the nine and twentieth Day of *September*, one thousand seven hundred and eleven, by Writing to be signed by their Secretary, and to be affixed upon the *Royal Exchange* in *London*, to give Notice of their Intention to repay the said Sum of seven thousand two hundred Pounds to the Persons who shall be interested therein, or entitled thereunto, at the End of three Years after such Notice given; and in case the said *English* Company, at the End of the said three Years, do fully pay and satisfy to such Persons the said Sum of seven thousand two hundred Pounds, at the *Guildhall* of *London*, together with all Arrears (if any) of the said yearly Sum of five hundred and seventy-six Pounds, which shall be then due to the said Persons respectively, then, and upon such Payment, made or lawful tender thereof, the said Stock of seven thousand two hundred Pounds, and the proportional Trade and Fund belonging thereunto, shall be, and are by Virtue of this Act, vested and settled in the said *English* Company, and their Successors; subject nevertheless to the general Proviso or Condition of Redemption hereafter in this Act contained, and to no other Proviso or Condition of Redemption whatsoever; any Thing in this Act contained, or any other Matter or Thing to the contrary notwithstanding.

Duty of 5 per Cent. after 29 Sept. 1714, to cease. See 9 W. 3. c. 44. sect. 76.

VIII. Provided always, and it is hereby further enacted by the Authority aforesaid, That the before-mentioned Duty of five Pounds *per Centum* for or in Respect only of such Goods and Merchandizes as shall be imported into *Great Britain* by the said *English* Company trading to the *East-Indies*, from and after the nine and twetieth Day of *September*, one thousand seven hundred and fourteen, shall cease, determine, and be no longer collected or paid; any Thing in this, or in the said first recited Act, to the contrary in any wise notwithstanding.

After 25 March, 1726, upon three Years' Notice, and Repayment, &c. Corporation to cease.

IX. Provided always, and it is hereby declared and enacted by the Authority aforesaid, That at any Time upon three Years' Notice, after the five and twentieth Day of *March*, which shall be in the Year of our Lord one thousand seven hundred and twenty-six, upon the Expiration of the said three Years, and upon Repayment by Parliament, as well of the said Sum of two millions formerly advanced, as of the said Sum of twelve hundred thousand Pounds to be advanced, as aforesaid, making in the Whole three millions and two hundred thousand Pounds unto such Companies, Corporations or Persons as shall be then entitled thereunto, and of all Arrears which at the End of the said three Years shall be due for or upon the said yearly Fund of one hundred and sixty thousand Pounds *per Annum*, then, and from thenceforth, as well the said Duties upon Salt and Rock-salt, as the said Duties upon stamped Vellum, Parchment and Paper, and also the said yearly Fund of one hundred and sixty thousand Pounds, and all the Corporations erected by or in Pursuance of this or the said former Acts, and the Benefit of Trade by this and the said former Acts and Charters, or any of them, given or intended to be given to them or any of them, shall absolutely cease and determine; any Thing herein contained to the contrary notwithstanding.

Not to repeal 11 W. 3. c. 10.

X. Provided always, and be it enacted by the Authority aforesaid, That this Act, or any Thing herein contained, shall not be deemed, taken, or construed to repeal or alter an Act made in the eleventh and twelfth Years of the Reign of the late King *William* the Third, of glorious Memory, intituled, *An Act for the more effectual employing the Poor, by encouraging the Manufactures of this Kingdom*, or any Clause, Matter or Thing therein contained; but that the said Act, and every Clause, Matter, or Thing therein contained, shall stand, remain and be in full Effect and Force, to all Intents and Purposes whatsoever, as if this Act had never been made; any Thing herein contained to the contrary thereof in any wise notwithstanding.

XI. Pro-

From 25 March, 1708, Custom-house may take Companies' sealed Bonds for Goods imported.

XI. Provided also, and it is hereby further enacted and declared by the Authority aforesaid, That, from and after the five and twentieth Day of *March*, one thousand seven hundred and eight, upon any Importation of any Goods or Merchandizes by the said *English* Company trading to the *East-Indies*, it shall and may be lawful for the Commissioners and Officers of the Customs for the Time being, and they are hereby required from Time to Time to take one or more Bond or Bonds, under the common Seal of the said *English* Company, for all such of the Customs and Duties chargeable and to be charged on the Goods and Merchandizes so to be imported, as are bondable, or for which Bonds have usually been given; any Law, Statute or Provision to the contrary thereof in any wise notwithstanding.

In Order to a complete Union,

XII. And whereas the Governor and Company of Merchants of *London* trading into the *East Indies*, and the Rest of the Members of the *English* Company trading to the *East-Indies*, are desirous that a speedy and complete Union may be had and perfected, pursuant to the before mentioned Indenture Tripartite, and have agreed to refer all Matters in Difference concerning the same, and the completing the said Union, unto the final Determination of the Right Honourable *Sidney* Earl of *Godolphin*, Lord High Treasurer of *Great-Britain*; be it therefore enacted by the Authority aforesaid, That the said Matters in Difference between the said Governor and Company of Merchants of *London* trading into the *East-Indies*, and the Rest of the Members of the said *English* Company, and the settling the Terms of, and perfecting and completing the said Union, shall be, and is hereby referred to the Judgment, Award, and final Determination of the said *Sidney* Earl of *Godolphin*, to proceed upon and settle the Terms and Conditions of the same, as his Lordship shall think fit, so as the Whole be made, settled, perfected and completed on or before the twenty-ninth Day of *September*, in the Year one thousand seven hundred and eight, by Writing attested under his Lordship's Hand and Seal; which said Award being so made and settled within the Time aforesaid, shall in all Parts thereof be binding and conclusive, as well to the said Governor and Company of Merchants of *London* trading into the *East-Indies*, as to the Rest of the said Members of the said *English* Company, and shall be by them complied with, and submitted to accordingly.

all Differences referred to the Earl of Godolphin.

His Award to be binding.

After such Award, &c. Managers for the united Trade shall be Directors, &c. till new ones be chosen.

XIII. Provided always, and it is hereby further enacted by the Authority aforesaid, That from and after the making of the said Award and Surrender of the Charter of the said Governor and Company of Merchants of *London* trading into the *East-Indies*, in Pursuance of the said Indenture Tripartite, then the Persons who, at the Time of such Surrender, shall in Pursuance of the same Indenture, be the Managers for the united Trade of the *English* Company trading to the *East-Indies*, and none others, shall be the Directors of the said *English* Company (which Company shall then be called, *The United Company of Merchants of* England *trading to the* East-Indies) until such Time as new Directors shall be chosen for the same, in Pursuance of the said Charter, bearing Date the fifth Day of *September*, in the tenth Year of his said late Majesty's Reign.

Acts, &c. to be public Acts.

XIV. And be it further enacted by the Authority aforesaid, That this present Act, and the Acts herein before recited, and all Parts thereof, shall be construed, adjudged, and taken to be public Acts to all Intents and Purposes whatsoever.

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9 Annæ. Cap. VII.

An Act for enabling and obliging the Bank of England, *for the Time therein mentioned to exchange all Exchequer Bills for ready Money upon Demand; and to disable any Person to be Governor, Deputy-Governor, or Director of the Bank of* England, *and a Director of the* East-India *Company, at the same Time.*

[So much thereof as relates to the *East-India Company*.]

None may be Governor, &c. of the Bank and East-India Company at the same Time.

XI. And be it enacted by the Authority aforesaid, That in all future Elections of Governor, Deputy-Governor, or Directors, of the respective Corporations of the Bank of *England*, and of the United Company of Merchants of *England* trading to the *East-Indies*, all and every Person or Persons who shall be elected Governor, Deputy-Governor, or Director of the Bank of *England*, shall, during the Year for which he or they shall be elected, be incapable of being

chosen Director or Directors for the Management of the Affairs of the said United Company; and all and every Person or Persons, who shall be elected a Director or Directors of the said United Company shall, during the Year for which he or they shall be so elected, be incapable of being chosen a Governor, or Deputy-Governor, or Director or Directors of the Bank of *England*.

10 ANNÆ. Cap. XXVIII.

An Act for continuing the Trade and Corporation-Capacity of the United East-India *Company, although their Fund should be redeemed.*

9 & 10 W. 3. 344. WHEREAS in and by an Act made in the ninth Year of the Reign of our late Sovereign Lord King *William* the Third, of glorious Memory, intituled, *An Act for raising a Sum not exceeding two millions, upon a Fund for Payment of Annuities, after the Rate of eight Pounds* per Centum per Annum, *and for settling the Trade to the* East-Indies, it is amongst other Things enacted, That the Sum of one hundred and sixty thousand Pounds *per Annum*, arising by the several Duties upon Salt, and upon stamped Vellum, Parchment and Paper, in the said Act mentioned, should be applied for the Payment of Annuities of eight Pounds *per Centum per Annum*, to such Persons or Corporations as should subscribe and pay the Sum of two Millions of Money, upon the Terms of the said Act; and that the Persons and Corporations who should so subscribe and pay the said Monies, should have the sole Trade to the *East-Indies*, and the other Places mentioned in the said Act, subject nevertheless to a Proviso or Condition of being redeemed by Parliament at any Time, upon three Years' Notice, after the nine and twentieth Day of *September*, one thousand seven hundred and eleven, upon Repayment of the said two Millions, and of the Arrears of the said Annuities of eight Pounds *per Centum*, in the Manner directed by the said Act; and it was by the said Act likewise provided, That his said late Majesty might constitute a Corporation to trade with a joint Stock to the said *East-Indies*, with such Powers and Authorities, and under such Limitations as in the said Act are for that Purpose set forth: And his said late Majesty did, in Pursuance of the said Act, by his Letters Patents, under the great Seal of *England*, bearing Date the fifth Day of *September*, in the tenth Year of his Reign, constitute a Corporation or Body politic, by the Name of *The English Company trading to the East-Indies*, with such Benefit of Trade, Powers, Privileges and Advantages, and subject to such Restrictions, Conditions and Agreements, as are in the said Letters Patents set forth: And whereas, in and by one other Act made in the sixth Year of her present Majesty's Reign, intituled, *An Act for assuring to the* English *Company trading to the* East-Indies, *on Account of the united Stock, a longer Time in the Fund and Trade therein mentioned; and for raising thereby the Sum of one million two hundred thousand Pounds, for carrying on the War, and other her Majesty's Occasions*; it was enacted, That upon Payment to her Majesty of the Sum of one million two hundred thousand Pounds, at the Times, and upon the Terms in the said Act mentioned, they the said *English* Company, trading to the *East Indies*, now called *The United Company of Merchants of* England *trading to the* East Indies, should have such further Time and Interest in the said Fund and Trade to the *East Indies*, as in the last-mentioned Act is particularly set forth, but subject to the Proviso or Condition of Redemption in the said last-mentioned Act, and herein set forth; that is to say, it was thereby declared and enacted, That at any Time, upon three Years' Notice, after the five and twentieth Day of *March*, which shall be in the Year of our Lord one thousand seven hundred and twenty-six, upon the Expiration of the said three Years, and upon Repayment by Parliament, as well of the said Sum of two millions then before advanced, as of the said Sum of one million two hundred thousand Pounds then to be advanced, and since advanced and paid accordingly, making in the Whole three millions two hundred thousand Pounds, and of all Arrears which, at the End of the said three Years, shall be due for and upon the said Fund of one hundred and sixty thousand Pounds, then and from thenceforth, as well the said Duties upon Salt, as the said Duties upon stamped Vellum, Parchment, and Paper, and also the said yearly Fund of one hundred and sixty thousand Pounds, and all the Corporations erected in Pursuance of the said Acts, or the Benefit of Trade granted by them, or by any Charters made in Pursuance thereof, should absolutely cease and determine: Now, to the Intent that the said United Company of Merchants of *England* trading to the *East-Indies*, and their Successors, may be the better encouraged to proceed in their Trade, and to make such lasting Settlements for the Support and Maintenance thereof for the Benefit of the *British* Nation, may it please your Majesty, at the humble Petition of the said United Company of

Charter 10 W. 3.

Act 6 Ann. c. 17.

of Merchants of *England* trading to the *East-Indies*, that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the last-mentioned Proviso for Redemption and Determination of the said several Duties, yearly Fund, Annuities, Corporations, and Benefit of Trade, shall be, and is hereby repealed and made void; and that the said Duties upon Salt, and the said Duties upon stamped Vellum, Parchment, and Paper, and the Duty of five Pounds in the hundred, charged by the said Acts upon Goods imported from the *East-Indies*, shall continue, and the said United Company of Merchants of *England* trading to the *East-Indies*, and their Successors, shall have and enjoy the said yearly Sum of one hundred and sixty thousand Pounds *per Annum*, or such Part thereof as they now are or hereafter shall be entitled unto, and all the Benefit of Trade, Franchises, Privileges, and Profits, and Advantages whatsoever, in respect thereof given and granted, or intended to be given or granted unto them by the said Act of the ninth Year of his said late Majesty's Reign, or by the said Charter of the fifth Day of *September*, in the tenth Year of his said late Majesty's Reign, or by the said Act of the sixth Year of her present Majesty's Reign, or by any of them, freed and discharged of and from the said former Proviso or Condition of Redemption contained in the said last recited Act, and all other Provisoes, Powers, Acts, Matters or Things, heretofore had, made, done, or committed, for redeeming, determining, or making void the said Duties, yearly Fund, Benefit of Trade, Franchises, Privileges, Profits, and Advantages, or any of them, subject nevertheless to the Restrictions, Covenants, and Agreements in the said recited Acts, and Letters Patents, or any of them, contained, now in force, and also subject to the general Provisoes or Condition of Redemption hereinafter conaforesaid, That at any Time, upon three Years' Notice, after the five and twentieth Day of *March*, which shall be in the Year of our Lord one thousand seven hundred and thirty-three, and upon Repayment by Parliament as well of the said Sum of two millions, as of the said Sum of twelve hundred thousand Pounds, making in the Whole three millions two hundred thousand Pounds, unto such Companies, Corporations, and Persons, as shall be then entitled thereto, and of all Arrears which, to the End of the said three Years, shall be due for or upon the said yearly Fund of one hundred and sixty thousand Pounds *per Annum*, then and from thenceforth the said Duties upon Salt, and the said Duties upon stamped Vellum, Parchment, and Paper, and the said yearly Fund of one hundred and sixty thousand Pounds, shall absolutely cease and determine.

Proviso of Redemption in Act 6 Ann. repealed, and Salt Duties continued. See further, 3 Geo. 2. c. 20.

Exclusive Trade continued by 3 Geo. 2. c. 14.; 17 Geo. 2. c. 17; 19 Geo. 3. c. 61.; 20 Geo. 3. c. 56.; 21 Geo. 3. c. 65.

New Proviso of Redemption on 3 Years' Notice, after 25 March 1733.

10 ANNÆ. Cap. XXIX.

An Act for the better ascertaining and securing the Payments to be made to her Majesty for Goods and Merchandizes to be imported from the East-Indies, *and other Places within the Limits of the Charter granted to the* East-India *Company.*

Preamble. See 9 & 10 W. 3. c. 44. s. 77.; 6 Ann. c. 3. 13 Geo. 3. c. 44. s. 4.

WHEREAS the United Company of Merchants of *England* trading to the *East-Indies*, do yearly import great Quantities of Goods, the Species and Quantities whereof cannot be known, nor due Entries made, so as to ascertain the Customs, without having them first landed and examined, to bring the Contents thereof into a Method fit for the Computation of the Customs and other Duties payable for the same; for which Reason it hath been the constant Practice of all Companies trading to the *East-Indies*, to enter and land their Goods and Merchandizes by Bills at Sight or Sufferance, and to give Security for Payment of the Customs, and other Duties thereof, at two six Months Time from the Importation: And whereas some Doubts have lately arisen concerning the Legality of the said Practice: be it therefore enacted and declared by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for the said Company, and their Successors, from Time to Time, to enter such Goods as are or shall be imported by them at the Custom-house by Bills at Sight, or Sufferance, and to give Security under their common Seal for the Payment of the Customs, and other Duties laid, or to be laid, upon all such Goods as are rated in the Book of Rates, and upon Coffee, which is to be ascertained by the Oath of the Importer, *(videlicet)* for the Payment of one half-Part thereof at the End of six Kalendar Months next after the Time within

East-India Company may enter the Goods they import, by Bills at Sight, and give Security for Payment of the Customs, &c.

within which the Report of the Master or Purser of the Ship, in which they shall be imported, shall or ought to have been made; and for the Payment of the other half-Part thereof, at the End of twelve Kalendar Months next after the Time within which such Report shall or ought to be made as aforesaid; and the Commissioners, and principal Officers of the Customs, are hereby authorized and required to grant to the said Company such Bills at Sight, or Sufferance, and take such Security, as aforesaid, and to make them such Allowances and Deductions as are to be made to other Merchants, paying their Customs and other Duties at or before the landing of their Goods.

Not to alter the Manner of paying the Duties on Muslins, &c.

II. Provided always, and be it further enacted by the Authority aforesaid, That this Act, or any Thing therein contained, shall not extend, or be construed to extend, to alter the Method or Manner of paying the Duties of fifteen *per Centum* on Muslins and Callicoes, or the Duties upon any other Goods, which are to be ascertained by Sale at the Candle.

Anno quarto

GEORGII Regis.

CAP. XI.

An Act for the further preventing Robbery, Burglary, and other Felonies, and for the more effectual Transportation of Felons, and unlawful Exporters of Wool; and for declaring the Law upon some Points relating to Pirates.

[So much thereof as relates to *Piracy*.]

Offenders against 11 & 12 W. 3. c. 7. may be tried as by 28 Hen. 8. c. 15.

See farther, 6 Geo. 1. c. 19. and 8 Geo. 1. c. 24.

VII. And it is hereby declared, That all and every Person and Persons, who have committed or shall commit any Offence or Offences, for which they ought to be adjudged, deemed, and taken to be Pirates, Felons, or Robbers, by an Act made in the Parliament holden in the eleventh and twelfth Years of the Reign of his late Majesty King *William* the Third, intituled, *An Act for the more effectual Suppression of Piracy*, may be tried and judged for every such Offence in such Manner and Form as in and by an Act made in the twenty-eighth Year of the Reign of King *Henry* the Eighth is directed and appointed for the Trial of Pirates, and shall and ought to be utterly debarred and excluded from the Benefit of Clergy for the said Offences; any Law or Statute to the contrary thereof in anywise notwithstanding.

Not to extend to Scotland; but to America.

VIII. Provided always, That nothing in this Act contained shall extend or be construed to extend to such Persons as shall be convicted or attainted in that Part of *Great-Britain* called *Scotland*.

IX. And be it also enacted, That this Act shall extend to all his Majesty's Dominions in *America*, and shall be taken as a public Act.

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5 GEORGII. Cap. XI.

An Act against clandestine Running of uncustomed Goods, and for the more effectual preventing of Frauds relating to the Customs.

[So much thereof as relates to the *East-India Company*.]

XII. And whereas great Quantities of wrought Silks, Bengals, and Stuffs mixed with Silk and Herba, as also Muslins, and other Callicoes, of the Manufacture of *Persia*, *China*, or *East-India*, are, notwithstanding the Laws already made to the contrary, frequently imported from

from foreign Parts, and landed in *Ireland*, to the Prejudice of fair Traders: for the better preventing the same for the Future, be it declared and enacted by the Authority aforesaid, That none of the before-mentioned Goods shall, from and after the first Day of *May*, one thousand seven hundred and nineteen, be imported into the said Kingdom of *Ireland*, from any Place or Places whatsoever, contrary to the true Intent and Meaning of this and the former Acts (other than from *Great-Britain*), under the Penalty and Forfeiture of all such of the aforesaid Goods so imported, or the Value thereof, as also of the Ship or Vessel importing the same, with all her Guns, Furniture, Ammunition, Tackle, and Apparel, one Moiety to his Majesty, his Heirs and Successors, and the other Moiety to him or them that shall seize, inform, or sue for the same, in any of his Majesty's Courts of Record in *Dublin*, in the said Kingdom of *Ireland*; and if any Officer or Officers of the Customs in *Ireland*, shall willingly or knowingly connive at the fraudulent Importation of any of the Goods afore-mentioned, contrary to the true Meaning hereof, or if any such Officer or Officers shall take upon him or them to seize any of the said Goods, and shall, by Fraud or Collusion, desist or delay the Prosecution thereof to Condemnation, he or they so conniving, desisting, or delaying, shall forfeit and lose the Sum of five hundred Pounds, to be sued for and divided in the Manner aforesaid; and such Officer or Officers shall also be incapable of holding any Office or Employment under his Majesty, his Heirs and Successors.

After 1 May, no East-India Goods to be imported into Ireland from foreign Parts.

Penalty.

Penalty on Officer conniving, &c.

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5 GEORGII. Cap. XXI.

An Act for the better securing the lawful Trade of his Majesty's Subjects to and from the East-Indies; and for the more effectual preventing all his Majesty's Subjects trading thither under foreign Commissions.

N. B. Offenders against this Act excepted in the general Pardon of 20 Geo. 2. c. 52. sect. 40.

WHEREAS it is of great Importance to the Welfare of this Kingdom, that the Trade and Traffic to and from the *East-Indies* in the Countries and Parts of *Asia* and *Africa*, and to and from such Places of *Asia*, *Africa*, and *America*, or any of them, beyond the Cape of *Bona Esperanza* to the Streights of *Magellan*, where any Trade or Traffic of Merchandize is or may be used or had, be regulated according to the Acts of Parliament relating thereto, and the Royal Charters or Grants made in Pursuance thereof: And whereas in and by an Act of Parliament of the ninth Year of the Reign of his late Majesty King *William* the Third, of glorious Memory, it is enactedand provided, That the said *East Indies*, or the Islands, Havens, Forts, Cities, Towns, or Places within the Limits aforesaid, should not be visited, frequented, or haunted by any of the Subjects of his Majesty, other than such as might lawfully go and trade there; and that if any of the Subjects of his said late Majesty, his Heirs or Successors, of what Degree or Quality soever, other than such as might or may lawfully go and trade to the *East-Indies*, or other the Parts in the same Act mentioned, by Virtue thereof, should directly or indirectly visit, haunt, frequent, trade, traffic, or adventure into or from the said *East-Indies*, or other the Parts aforesaid, all and every such Offender and Offenders should incur such Forfeitures and Losses, as in the said Act is and are for that Purpose appointed. And it is also provided by the same Act, and by subsequent Laws, That all the Goods, Wares, Merchandizes, and Commodities to be laden upon any Ship or Ships bound from the said *East-Indies*, or Parts within the Limits aforesaid, should be brought without breaking Bulk to some Port of *Great Britain*, and there be unladen and put on Land; notwithstanding which just and reasonable Provisions and Restrictions, several of his Majesty's Subjects, not entitled under the said Acts of Parliament, have presumed to trade into and visit the said *East-Indies* and other the Places aforesaid in foreign and other Ships, intending there to load Goods, and to bring them into *Europe*, and land them in foreign Parts out of his Majesty's Dominions, to the great Prejudice of the Trade of this Kingdom, and the Diminution of his Majesty's Customs and other Duties; all which Practices being considered, his Royal Highness *George* Prince of *Wales*, then Guardian of the Realm, of *Great Britain*, and his Majesty's Lieutenant within the same, was pleased, on the eighteenth Day of *October*, which was in the Year of our Lord one thousand seven hundred and sixteen, to issue forth a Proclamation (amongst other Things) strictly charging and commanding all his Majesty's Subjects not to serve on Board any foreign or other Ships, with foreign Commissions and Colours, bound to or from the *East-Indies*, or any the Parts aforesaid; or directly or indirectly to visit, haunt, frequent, trade, traffic, or adventure into or from the said *East-Indies*, or other the Parts before mentioned, contrary to Law:

9 & 10 W. 3. c. 44.

After Feb. 20, 1718, none shall go to the East-Indies, &c. contrary to the Laws now in being.

But notwithstanding the Prohibitions contained in the said Acts of Parliament and Proclamation, and in Defiance of the same, several evil-disposed Persons have gone on to procure and obtain several foreign Commissions or Passes, and under Colour thereof or otherwise have fitted out and manned several *English* and other Ships or Vessels, and have sailed with or sent out the same to trade and traffic in the *East-Indies*, or other the Parts aforesaid: Now, to the Intent that such collusive, fraudulent, and illegal Trade and Practices may be prevented, and that so considerable and beneficial a branch of Trade may be secured to this Kingdom; be it enacted and declared by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in Parliament assembled, and by the Authority of the same, That if any of his Majesty's Subjects shall, from and after the twentieth Day of *February* in the Year of our Lord one thousand seven hundred and eighteen, sail, go, or repair to or be in the *East-Indies*, or Parts afore-mentioned, or any of them, contrary to the Laws now in being, or contrary to the Tenor of this Act, every such Person and Persons so offending shall be liable to such Punishment, as by any Law or Laws now in being may be inflicted for such Offence.

The East-India Company may seize such Persons, and send them to England, there to answer for the Offence.

II. And, to the Intent that such Offender and Offenders may be brought to Justice, it is hereby enacted, That it shall and may be lawful, to and for the United Company of Merchants of *England* trading to the *East-Indies*, and their Successors, to take, arrest, and seize, or cause to be taken, arrested, and seized, such Person or Persons, being a Subject or Subjects of his Majesty, his Heirs or Successors, at any Place or Places, or where he or they shall be found within the Limits or Places aforesaid; and the Person and Persons so taken, arrested, and seized, to send and remit to *England*, there to answer for the Offence aforesaid, according to due Course of Law.

After Feb. 5, 1718, Persons procuring, &c. any Commission from any foreign Prince, &c. to trade to the East-Indies, &c. shall forfeit 500l.

III. And it is hereby further enacted by the Authority aforesaid, That all and every Person and Persons, who from and after the fifth Day of *February*, one thousand seven hundred and eighteen, shall procure, solicit for, obtain, or act under any Commission, Authority, or Pass from any foreign Prince, State, or Potentate whatsoever, to sail or go, or trade in or to the *East-Indies*, or any the Parts aforesaid, every such Person or Persons so offending herein, shall incur and forfeit for every such Offence the Sum of five hundred Pounds.

Forfeitures, how to be recovered and disposed.

IV. And it is hereby enacted, That all the said Penalties and Forfeitures shall or may be sued for and recovered in any of his Majesty's Courts of Record at *Westminster*, by Bill, Plaint, Information, or otherwise, wherein no Essoin, Wager of Law, or Protection, shall be allowed, nor any more than one Imparlance; one half Part of which said Penalties and Forfeitures shall be to the Use of such Person or Persons as will imform or sue for the same; and the other half Part to his Majesty, his Heirs and Successors.

Not to prejudice the South Sea Company.

V. Provided always, That this Act, or any Thing herein contained, shall not extend, or be construed, deemed, or taken to extend, to restrain, or prejudice such Trade or right of Trade or Navigation within any Part of the Limits aforesaid, as the Governor and Company of Merchants of *Great Britain* trading to the *South-Seas*, and other Parts of *America*, and for encouraging the Fishery, now are entitled unto; any Thing herein contained to the contrary in anywise notwithstanding.

Continuance of this Act. See further 9 Geo. 1. c. 26. sect. 9.

VI. Provided nevertheless, and it is hereby enacted, That this Act shall continue in Force for five Years, and from thence to the End of the next Session of Parliament, and no longer.—— [*Continued by* 9 Geo. 1. c. 26. sect. 10. *for seven Years, from* March, *one thousand seven hundred and twenty-three, and further continued by* 5 Geo. 2. c. 29. *for seven Years, from* May, *one thousand seven hundred and thirty-two, and by* 20 Geo. 2. c. 47. *and* 20 Geo. 3. c. 19. *to* 25 March, *one thousand eight hundred.*]

6 GEORGII. Cap. XVIII.

An Act for better securing certain Powers and Privileges intended to be granted by his Majesty by two Charters for Assurance of Ships and Merchandizes at Sea, and for lending Money upon Bottomry; and for restraining several extravagant and unwarrantable Practices therein mentioned.

[So much thereof as relates to the *East-India Company.*]

South Sea and East-India Companies may advance Money on Bottomry to their Captains, &c.

XXVI. PROVIDED nevertheless, That it shall and may be lawful to and for the Governor and Company of Merchants of *Great Britain* trading to the *South-Seas*, and other Parts of *America*, and for encouraging the Fishery, and for the United Company of Merchants of *England* trading to the *East-Indies*, and they, and either of them, have respectively hereby Liberty

herty, at any Time or Times hereafter, to advance or lend, on the Bottom of any Ship or Vessel, Ships or Vessels, and on Goods and Merchandizes on board any Ship or Vessel, Ships or Vessels, of the said respective Companies, or that is, are, or shall be employed in the Service of the said Companies respectively, to any Captains, or Commanders, Agents, Sailors, Servants, or other Person or Persons, which shall at any Time or Times be employed in the Service of the said respective Companies, any Sum or Sums of Money whatsoever by Way of Bottomry; any Thing in this Act contained to the contrary notwithstanding.

Not to extend to Corporations formerly created,

or to any Subscriptions to be made to the Capital of the South Sea.

XXVII. Provided always, and be it further enacted by the Authority foresaid, That nothing in this Act contained shall extend, or be construed to extend, to any Corporation formerly created for the carrying on a Trade, which they have publicly continued to exercise from the Time of their Establishment; or to any Subscriptions made, or to be made for enlarging the capital Stock of the Governor and Company of Merchants of *Great Britain* trading to the *South Seas*, and other Parts of *America*, and for encouraging the Fishery (by or by Order of the general Court, or Court of Directors of the said Company), or to any Receipts made out and given, or to be made out or given, in Respect of such Subscriptions, but that all such Subscriptions made and to be made shall be firm and valid, and all Receipts made out and given, or to be made out or given, concerning the same, shall be assignable at Law by Endorsement made or to be made thereon; any Thing in this or any other Act, or any Law, Usage, or Custom to the contrary notwithstanding.

Salvo for East-India Company's Privileges.

XXVIII. Provided also, That any Thing in this Act contained shall not extend, or be construed to extend, to hinder or deprive the Corporation of the United Company of Merchants of *England*, trading to the *East-Indies*, from having and enjoying all and every such Powers, Privileges, Franchises, Benefits, Matters and Things, as do or shall belong to them, or which they could or might enjoy in any Manner or Wise if this Act had not been made; any Thing in this Act to the contrary notwithstanding.

7 GEORGII. Cap. V.

An Act to enable the South Sea *Company to ingraft Part of their capital Stock and Fund into the Stock and Fund of the Bank of* England, *and an other Part thereof into the Stock and Fund of the* East-India *Company; and for giving further Time for Payments to be made by the said* South Sea *Company, to the Use of the Public.*

6 Geo. 1. c. 4.

Farther Provisions concerning the Matters in this Act, 7 Geo. 1. Stat. 2, 8 Geo. 2. c. 20.

MAY it please your most Excellent Majesty; whereas the capital or joint Stock of the Corporation, called by the Name of the Governor and Company of Merchants of *Great Britain* trading to the *South Seas*, and other Parts of *America*, and for encouraging the Fishery, did, at the Time of making the Act of Parliament of the sixth Year of your Majesty's Reign, intituled, *An Act for enabling the* South Sea *Company to increase their present capital Stock and Fund by redeeming such public Debts and Incumbrances as are therein mentioned; and for raising Money to be applied for lessening several of the public Debts and Incumbrances; and for calling in the present Exchequer Bills remaining uncancelled; and for making forth new Bills in Lieu thereof, to be circulated and exchanged upon Demand at or near the Exchequer*, by Computation amount in in the Whole to eleven millions seven hundren forty-fix thousand eight hundred forty-four Pounds eight Shillings and Ten-pence, or thereabouts: And whereas it hath been represented unto us, your Majesty's most dutiful and loyal Subjects, the Commons of *Great Britain* in Parliament assembled, that by Virtue and in Pursuance of the said Act, several Annuities, Debts and Incumbrances have been subscribed and redeemed, or taken in, which (being computed at the respective Values in and by the said Act subscribed) will make in the Whole twenty-six millions fifty-five thousand seven hundred and seventy-four Pounds five Shillings and Two-pence, or thereabouts, to be added to the said Capital or joint Stock; and that both the said Sums will make the increased Capital or joint Stock of the said Corporation (which is commonly called The *South Sea* Company) to amount in the Whole to thirty-seven millions eight hundred and two thousand six hundred and eighteen Pounds fourteen Shillings, or thereabouts: And that in Respect of several of the said Sums comprehended in the said increased Capital or joint Stock, the said Corporation is and will be intitled to several Annuities or yearly Funds, after the Rate of five Pounds *per Centum per Annum*, to be paid and payable at the Receipt of your Majesty's Exchequer by weekly or other Payments, out of several Duties, Revenues and other Provisions settled by the said Act for that Purpose, until and for the Feast of the Nativity of Saint *John Baptist* which shall be in the Year of our Lord one thousand seven hundred and twenty-seven; and

afterwards

afterwards at the Rate of four Pounds *per Centum per Annum*, until the Redemption thereof according to the said Act: And that in Respect of several other of the said Sums comprehended in the said increased Capital or Joint Stock, the said Corporation is and will be entitled to several Annuities or yearly Funds, after the Rate of four Pounds *per Centum per Annum*, to be paid and payable at the said Receipt by weekly or other Payments, out of several Duties, Revenues, and other Provisions settled by the said Act for Payment thereof, until and for the said Feast of the Nativity of Saint *John Baptist*, one thousand seven hundred and twenty-seven, and afterwards at the same Rate, until the Redemption thereof by Parliament according to the said Act; which said Annuities or yearly Funds so payable at the said Receipt of Exchequer are nevertheless liable to such Charges and Incumbrances, as in and by the said Act are expressed or mentioned concerning the same: And whereas in and by the said Act Provision was made, that nine thousand three hundred ninety-seven Pounds nine Shillings and Six-pence *per Annum*, therein mentioned, and several other Sums which were thereby directed to be computed and added thereunto, for Charges of Management, should from Time be paid and payable to the said Company in the Manner thereby prescribed; as in and by the said Act (Relation being thereunto had) may more fully appear: And whereas the said *South Sea* Company, in and by a Proposition agreed to in a general Court of the same, holden on or about the second Day of *January*, one thousand seven hundred and twenty, and since presented to us your Majesty's said dutiful and loyal Subjects, have humbly offered, that a Sum not exceeding nine millions of the capital Stock of the said *South Sea* Company, together with an Annuity of five Pounds *per Centum per Annum* issuing from the Exchequer, and payable weekly, be ingrafted into the capital Stock of the Governor and Company of the Bank of *England*, and be added to their present capital Stock of five millions five hundred fifty-nine thousand nine hundred ninety-five Pounds fourteen Shillings and eight Pence; and that every Proprietor of the said Sums so to be ingrafted be entitled to a Share in the Capital of the said Governor and Company of the Bank of *England*, at the Rate of one hundred and twenty Pounds *per Centum*, that is to say, for every one hundred and twenty Pounds in the said Sum not exceeding nine millions to be ingrafted, each Proprietor to have one hundred Pounds Stock in the Bank; that the remaining twenty Pounds *per Centum*, Part of the said Sum not exceeding nine millions, (which, if the Whole be ingrafted, would make one million and an Half), to be reserved for the common Benefit and Advantage of the Proprietors of the whole Capital so increased; and that a certain Sum be annually allowed to the Governor and Company of the Bank of *England* towards their Charges of Management; and the said *South-Sea* Company in the said Proposition have also humbly offered, that a Sum not exceeding nine millions of the capital Stock of the said *South-Sea* Company, together with an Annuity of five Pounds *per Centum per Annum*, issuing from the Exchequer, and payable weekly, be ingrafted into the Stock of the United Company of Merchants of *England* trading to the *East-Indies*, and added to their present capital Stock of three millions two hundred thousand Pounds; and that every Proprietor of the said Sums so to be ingrafted into the Capital of the United Company of Merchants of *England* trading to the *East-Indies*, be entitled to a Share in the capital Stock of the same Company, at the Rate of one hundred and twenty Pounds *per Centum*, that is to say, for every one hundred and twenty Pounds in the last-mentioned Sum, not exceeding nine millions so to be ingrafted, each Proprietor to have one hundred Pounds Stock in the said *East-India* Company; and that the remaining twenty Pounds *per Centum*, Part of the last mentioned Sum not exceeding nine millions, (which if the Whole be ingrafted, will make one million and a Half) be disposed and distributed in Manner therein mentioned; and that a certain Sum be annually allowed to the said *East-India* Company towards their Charges of Management: And whereas the said Governor and Company of the Bank of *England*, in and by a Proposition agreed to in a general Court of that Corporation holden on or about the twenty-ninth Day of *December*, one thousand seven hundred and twenty, and since presented to us your Majesty's said dutiful and loyal Subjects, have declared their Willingness to admit, that nine Millions of the Capital of the *South Sea* Company, together with an Annuity of five Pounds *per Centum per Annum*, issuing from the Exchequer, payable weekly, and free from all Incumbrances, be ingrafted into the capital Stock of the Bank of *England*, and be added unto their present capital Stock of five millions five hundred fifty-nine thousand ninety-five Pounds fourteen Shillings and Eight-pence; and that every Proprietor of the said Sums so to be ingrafted be entitled to a Share in the Capital of the Bank of *England*, at the Rate of one hundred and twenty Pounds *per Centum*, that is to say, for every one hundred and twenty Pounds in the same Sum so to be ingrafted, each Proprietor to have one hundred Pounds Stock in the Bank; the remaining twenty Pounds *per Centum*, Part of the same Sum not exceeding nine millions, (which, if the Whole be ingrafted, would make one million and a Half) to be reserved for the common Benefit and Advantage of the Proprietors of the whole Capital so increased; and that a certain Sum be annually allowed to the said Governor and Company of the Bank of *England* towards their Charges of Management; and whereas the said United Company of Merchants of *England* trading to the *East-Indies*

Indies, in and by a Proposition agreed to in a general Court of that Corporation holden on or about the third Day of *January*, one thousand seven hundred and twenty, and since presented to us your Majesty's said dutiful and loyal Subjects, have declared their Willingness to admit, that a Sum not exceeding nine millions of the Capital of the said *South Sea* Company, together with an Annuity of five Pounds *per Centum per Annum* issuing from the Exchequer, payable weekly, and free from all Incumbrances, be ingrafted into the Stock of the said *East-India* Company, and added to their present capital Stock of three millions two hundred thousand Pounds; and that every Proprietor of the same Sums so to be ingrafted be entitled to a Share in the capital Stock of the said *East-India* Company, at the Rate of one hundred and twenty Pounds *per Centum*, that is to say, for every one hundred and twenty Pounds in the same Sum so to be ingrafted, each Proprietor to have one hundred Pounds Stock in the *East-India* Company; the remaining twenty Pounds *per Centum*, Part of the same Sum not exceeding nine millions, (which, if the Whole be ingrafted, would make one million and a half), to be disposed and distributed in Manner following, that is to say, six hundred and forty thousand Pounds thereof, being after the Rate of twenty Pounds *per Centum*, upon the said Sum of three millions two hundred thousand Pounds, to the then Proprietors of the same Capital of three millions two hundred thousand Pounds; and the Remainder of the said twenty Pounds *per Centum* to and for the common Benefit and Advantage of all the Proprietors of the whole Capital of the said *East-India* Company so increased, which Remainder (if the whole nine millions be ingrafted) will amount to eight hundred and sixty thousand Pounds; and that a certain Sum be annually allowed to the said *East-India* Company towards their Charges of Management: And whereas it is judged, that an Ingraftment of Part of the Capital of the *South-Sea* Company into the Capitals of the Bank of *England* and the *East-India* Company, pursuant to the said several Proposals of the said respective Companies, will contribute very much to the restoring and establishing public Credit: We your Majesty's said dutiful and loyal Subjects, the Commons of *Great-Britain* in Parliament assembled, do most humbly beseech your Majesty that it may be enacted, &c. EXP.

'Between 24 *June* and 25 *Dec.* 1721, *South-Sea* Company may, under their Common Seal, and at 'their own Charges, transfer to the Bank such Share of their Capital Stock at 5*l. per Cent.* as shall 'be agreed on between them, together with so much of their Annuities as shall bear Proportion 'to the Stock transferred, not exceeding 9,000,000*l.* The Shares so transferred shall be added 'to the Capital Stock of the Bank. *South-Sea* Company may, between the same Times, also 'transfer to the *East-India* Company such Share of their Capital Stock at 5*l. per Cent.* as shall 'be agreed upon between them, together with so much of their Annuities as shall bear Proportion 'to the Stock transferred, not exceeding 9,000,000*l.* The Share so transferred shall be added 'to the capital Stock of the *East-India* Company. After such Transfers, the two Companies 'shall lawfully enjoy their respective Shares in Stock. *South-Sea* Company may enjoy their 'whole Capital, *&c.* till the Transfers be made, and afterwards may hold all their unassigned 'Stock, *&c.* till Redemption by Parliament. *South-Sea* Company may hold 9,397*l.* 9*s.* 6*d. per* '*Annum* for Charges of Management, till a Transfer of Part of their capital Stock, and afterwards the two Companies shall receive a proportional Part thereof for Charges of Management. 'Annuities payable quarterly at 5*l. per Cent.* till the 24th *June*, 1727, and afterwards at 4*l. per* '*Cent.* All Persons entitled to any Shares in the *South-Sea* Company at the Time of transfering, 'shall have a proportional Share in the Stock transferred to the Bank, *&c.* The same for Shares 'transferred to the *East-India* Company, *&c.* Unassigned Shares in the *South-Sea* Company 'may be transferred in the Books of the Company, or devised by Will, as formerly. Members 'of the Bank may transfer or devise their increased Stock, as formerly; and also the Members 'of the *East-India* Company. All Privileges, *&c.* founded on former Acts or Charters, con-'tinued, *&c.*'

After 24 June, 1727, on Repayment to the South-Sea Company of their capital Stock, &c. their Annuities to cease.

XXIII. Provided always, and it is hereby enacted by the Authority aforesaid, That at any Time after the Feast of the Nativity of Saint *John Baptist*, which shall be in the Year of our Lord one thousand seven hundred and twenty-seven, upon Repayment by Parliament to the said Corporation, commonly called The *South-Sea* Company, of the Sum of the Capital Stock, or of that Part of the Capital Stock which shall then belong to that Corporation according to this Act, without any Deduction, Defalcation, or Abatement whatsoever, to be made out of the same Sum, or any Part thereof; and upon Payment of all Arrears which shall be then due at the respective Rates aforesaid, or either of them, for or upon their then Annuities or yearly Funds payable in Respect thereof; and upon Payment of all Arrears of the said yearly Sums, or of such Proportions thereof as shall be payable to them for Charges of Management; all which Arrears (if any such be) shall be computed and paid to the quarterly Feast-Day then next preceding, and from thence shall be computed and paid by the Day, till the Time of such full Payment of their capital Sum; then the same Annuities or yearly Funds, and the yearly Sums to be allowed to them for

Charges of Management as aforesaid, and every of them, shall from thenceforth cease and determine; any Thing herein contained to the contrary notwithstanding.

'After 24 *June*, 1727, on Repayment to the Bank of the whole Sum transferred from the *South-Sea* Company, &c. the yearly Funds, &c. to cease. The same Clause for the *East-India* Company.'

After 24 June, 1727, on Repayment to the South Sea Company of any Sum not less than 500,000l. at a Time, a proportional Part of their Annuities shall cease.

XXVI. And in Regard it is intended, That at any Time or Times after the said Feast of the Nativity of Saint *John Baptist* one thousand seven hundred and twenty-seven, the Principal or Sum Total of the capital Stock, or so much thereof as shall then belong to the said *South-Sea* Company, may be satisfied to them by any Payments (not being less than five hundred thousand Pounds of lawful Money of *Great-Britain* at a Time), and that as the same Principal Monies shall be paid off, the Annuities or yearly Funds of the said *South-Sea* Company payable in Respect thereof, shall from Time to Time proportionably sink and be abated: Be it therefore further provided and enacted by the Authority aforesaid, That at any Time or Times after the said Feast of the Nativity of Saint *John Baptist*, one thousand seven hundred and twenty-seven, upon Repayment by Parliament to the said *South Sea* Company of any Sum or Sums of Money (not being less than five hundred thousand Pounds at a Time) in Part of the principal Monies of the said capital Stock which shall then belong to the said *South-Sea* Company; and upon Payment of all Arrears then due to them at the respective Rates aforesaid, for or upon their said Annuities or yearly Funds, or so much of those Arrears as shall bear a Proportion to their principal Sums, from Time to Time, remaining unsatisfied, being computed by the Day, until the Time of every such Payment of Part of the Principal respectively; and upon Payment of all Arrears then due for or upon the said yearly Sums, or their Part of the said yearly Sums for Charges of Management; then from and after every such Payment so made to the said *South-Sea* Company, so much of their said Annuities or yearly Funds, as shall bear Proportion to the Monies so paid in Part of the said Principal, shall cease, determine, and be abated; any Thing in this or any former Act or Acts of Parliament contained, or other Matter or Thing whatsoever to the contrary notwithstanding.

'And on Repayment to the Bank of any Sum not less than 250,000*l.* at a Time, a proportional 'Part of their Annuities to cease. The like Clause for the *East-India* Company. After such 'Redemption the Duties applicable thereto shall be understood to be redeemed by Parliament. 'Bank to continue a Corporation till all the Shares transferred to them by the *South-Sea* Com- 'pany be redeemed. After the Ingraftments, Shares not exceeding 100*l.* in the Whole, may 'be transferred without Stamp or other Charges for such Transfers.'

East-India Company may take up Monies on their common Seal, &c. not exceeding the Sum due from the Public to them.

XXXII. And it is hereby enacted by the Authority aforesaid, That it shall and may be lawful to and for the said United Company of Merchants of *England* trading to the *East-Indies*, and their Successors, and they are hereby enabled from Time to Time, or at any Time or Times to their own good liking, to borrow or take up Money upon any Contracts, Bonds, Bills or Obligations under their common Seal, for carrying on their Trade, or for lending or advancing Money by way of Bottomry, as is hereinafter prescribed, so as by the Monies already borrowed by them, and by the Monies which they shall hereafter borrow pursuant to this Act, the whole Sum which they shall owe at any one Time do not exceed the Sum due at that Time from the Public to the said Company, or the Sum of five millions of Pounds sterling in the Whole.

East-India Company may not borrow Money on Credit of their capital Stock, nor for a greater Sum than shall be employed in their Trade, &c

and may not discount Bills or keep Cash for others.

XXXIII. And it is hereby provided and enacted by the Authority aforesaid, That it shall not be lawful to or for the same United Company, or their Successors, to borrow, owe, or give Security for any Sum or Sums of Money on Credit of their capital Stock, or yearly Fund, or upon any Increase thereof to be made in Pursuance of this Act, or any Part thereof; and that it shall not be lawful to or for the same United Company, or their Successors, to borrow, owe, or give Security for any other or greater Sum or Sums of Money, than such as shall be really and *bonâ fide* expended and laid out in and for the buying of Goods, Bullion or Commodities to be exported for the proper Account of the same Company, or shall be otherwise employed in their Trade, or shall be really and *bonâ fide* advanced or lent on the Bottom of any Ship or Vessel, Ships or Vessels, or on Goods or Merchandizes on board any Ship or Vessel, Ships or Vessels, of the same United Company, or that is, are or shall be employed in the Service of the same United Company, to any Captains or Commanders, Agents, Sailors, Servants, or other Person or Persons, which shall at any Time or Times be employed in the Service of the same United Company; all which Sum or Sums of Money, so to be borrowed for the Purposes aforesaid, or any of them, shall be borrowed only on their common Seal, and shall not be made payable or be *bonâ fide* agreed to be paid on Demand, or at any Time less than six Months from the Time of borrowing thereof; and that it shall not be lawful for the said United Company of Merchants of *England* trading to the *East-Indies*, or their Successors, to discount any Bills of Exchange, or other Bills or Notes whatsoever, or to keep any Books or Cash of or for any Person or Persons, Bodies politic or corporate whatsoever, other than only the proper Monies and Cash of the same United Company; any Thing in this Act contained to the contrary notwithstanding.

XXXIV. And

XXXIV. And whereas in and by the said Act of the sixth Year of his Majesty's Reign it was enacted, That the said Corporation of the Governor and Company of Merchants of *Great-Britain*, commonly called *the South-Sea Company*, should pay into the Receipt of his Majesty's Exchequer the Sum of four millions one hundred fifty six thousand three hundred and six Pounds four Shillings, and eleven Pence, by such Proportions, and at such Times as are thereby appointed for the Payment thereof, and such further Sums to be computed after the Rate of four Years and an half's Purchase, and such further Sums to be computed after the Rate of one Year's, Purchase, as are therein mentioned, by quarterly Payments, at such Feast Days as were thereby limited for the Payment thereof; and in case any Failure in Payment should be made of the said Sum of four millions one hundred fifty six thousand three hundred and six Pounds, four Shillings, and eleven Pence, or of the said Sums to be paid after the Rate of four Years and an half's Purchase, or after the Rate of one Year's Purchase, or any of them, or any Part thereof, a Remedy is by the said Act provided for Recovery of the Money, whereof such Failure in Payment should be made, with Damages after the Rate of five Pounds *per Centum per Annum*, and the same Corporation, and their Stock and Fund, were thereby made subject and liable thereunto: And it was thereby provided, enacted, and declared, That the said Sum of four millions one hundred fifty six thousand three hundred and six Pounds, four Shillings, and eleven Pence, and the said several Sums to be paid after the said Rates of four Years and an half's Purchase, and one Year's Purchase, and every of them, and every Part thereof, as fast as the same should be paid into the same Receipt, should be applied in Manner following, (that is to say), That out of the first Monies arising of or for the said several Sums so to be paid into the said Receipt, every or any of them, such public Debts and Incumbrances, carrying Interest or Annuities after the Rate of five Pounds *per Centum per Annum*, or more, incurred before the twenty-fifth Day of *December*, one thousand seven hundred and sixteen, founded upon any former Act or Acts of Parliament in that Behalf (not being Part of the capital Stock or Fund of the said *South-Sea* Company) as were then redeemable, or might be redeemed at any Time or Times on or before the twenty-fifth of *December*, one thousand seven hundred and twenty-two, should be redeemed and paid off in the first Place; and that after the same should be redeemed and paid off, or Money sufficient should be reserved in the Exchequer for redeeming and paying off the same, according to the true Meaning of that Act, then all the Rest, Residue and Remainder of the said Sum of four millions one hundred fifty six thousand three hundred and six Pounds, four Shillings, and eleven Pence, and of the said Sums to be computed after the said several Rates of four Years and an half's Purchase, and one Year's Purchase, and of every of them, and of every Part thereof, and as the same Residues and Remainders, from Time to Time, should grow due from the said *South-Sea* Company, and as the same should or ought to be paid into the said Receipt of Exchequer, should be applied for or towards paying off so much of the capital Stock, and increased capital Stock of the same *South-Sea* Company, as should then carry Annuities after the Rate of five Pounds *per Centum per Annum*; and that upon every such Payment, or reserving Money as aforesaid to make such Payment to the said *South-Sea* Company, a proportional Part of their Annuities or yearly Fund, or of their Annuities or yearly Fund to be increased by that Act, for which that Rate is or should be payable, should cease and determine, as by the same Act (Relation being thereunto had) may more fully appear: Now it is by this present Act provided, declared and enacted by the Authority aforesaid, That the said Corporation of the *South-Sea* Company shall pay, and be obliged, by Force and Virtue of this Act (as well before as after the making any Assignment or Assignments, in Pursuance of this Act, to the said Governor and Company of the Bank of *England*, and the said *East-India* Company, or either of them), to pay into the Receipt of his Majesty's Exchequer the said Sum of four millions one hundred fifty six thousand three hundred and six Pounds, four Shillings and eleven Pence, and the said Sums after the Rates of four Years and an half's Purchase, and one Year's Purchase; and that the same shall be payable by such Proportions, and at or by such respective Days or Times of Payment, as in and by this present Act are limited and appointed for the Payment thereof, and not otherwise; that is to say, one full and equal fourth Part of the respective Sums so payable shall be paid on or before the Feast of the Annunciation of the Blessed Virgin *Mary*, which shall be in the Year of our Lord one thousand seven hundred and twenty-two; one other full and equal fourth Part thereof on or before the Feast of the Nativity of Saint *John Baptist*, which shall be in the Year of our Lord one thousand seven hundred and twenty-two; one other full equal fourth Part thereof on or before the Feast of Saint *Michael* the Archangel, which shall be in the Year of our Lord one thousand seven hundred twenty-two; and the remaining full and and equal fourth Part of the said respective Sums so payable on or before the Feast of the Birth of our Lord *Christ*, which shall be in the said Year of our Lord one thousand seven hundred and twenty-two; in full Payment and Satisfaction as well of the said Sum of four Millions one hundred fifty-six thousand three hundred and six Pounds four Shillings and eleven Pence, as of the said several Sums.

6 Geo. 1. c. 4.

South-Sea Company to pay into the Exchequer 4,156,306 l. 4s. 11d. and further Sums to be computed at 4 Years and an half's Purchase, and 1 Years, Purchase. Discharged by 7 Geo. 1. Stat. 2. 9 Geo. 1. c. 6. Times of Payment.

And their Stock and Funds are made liable to the Payment.

Sums to be paid after the said Rates of four Years and an half's Purchase and one Year's Purchase respectively; and that the said *South-Sea* Company, and their Stock and Funds (except such Parts thereof as shall be assigned to the said Governor and Company of the Bank of *England*, and *East-India* Company, or either of them, pursuant to this Act) are and shall be subject and liable to the Payment of the said several Sums at or before the said respective Days and Times by this Act appointed for the Payment thereof, without any Deduction, Defalcation or Abatement whatsoever; any Thing in the said former Act contained to the contrary notwithstanding.

On Default of Payment, the Exchequer may Stop their Weekly Payments, &c.

XXXV. And be it further enacted by the Authority aforesaid, That in case Default shall be made by the said *South-Sea* Company in the Payment of all or any Part or Parcel, Parts or Parcels of the said several Sums of four millions one hundred fifty-six thousand three hundred and six Pounds four Shillings and eleven Pence, and of the said Sums to be paid after the Rate of four Years and an half's Purchase and one Years, Purchase, or any of them, at the respective Days or Times by this Act limited for the Payment thereof; then the Commissioners of the Treasury, or any three or more of them, or the High Treasurer for the Time being, or the Officers of the Exchequer for the Time being, shall, and they respectively are hereby authorised, enjoined and required to cause the Money whereof such Default in Payment shall be made, with Interest for the same, after the Rate of five Pounds *per Centum per Annum*, (such Interest to be computed upon the Monies whereof such Failure in Payment shall be made, from the respective Days and Times on which the same ought to have been so paid, until Satisfaction of the Principal), to be stopped out of the Monies which weekly or otherwise, shall be payable to the said Corporation of the *South-Sea* Company at the Exchequer, for or upon their Annunities or yearly Funds (except such Parts thereof as shall be assigned or transferred to the said other Corporations, or either of them, as aforesaid), and to cause the Principal and Interest so stopped to be applied as is herein after directed in that Behalf.

How the Monies to be paid into the Exchequer shall be applied.

XXXVI. And be it further enacted by the Authority aforesaid, That all the Monies to be paid into the Exchequer, as aforesaid, by the said *South-Sea* Company, or to be stopped as aforesaid, of or for the said Sum of four millions one hundred fifty-six thousand three hundred and six Pounds, four Shillings, and eleven Pence, and the said several Sums to be computed after the said respective Rates of four Years and an half's Purchase and one Year's Purchase, or for Interest of the same, or any Part thereof, and every of them, and every Part thereof, as fast as the same shall be paid into the same Receipt, pursuant to this Act, shall be applied in Manner following; (that is to say), That out of the first Monies arising of or for the said several Sums so to be paid or stopped every or any of them, such public Debts and Incumbrances, carrying Interest or Annuities after the Rate of five Pounds *per Centum per Annum*, or more, incurred before the twenty-fifth Day of *December*, one thousand seven hundred and sixteen, founded upon any former Act or Acts of Parliament in that Behalf (not being Part of the capital Stock or Fund of the said *South-Sea* Company, or by them to be assigned or transferred, as aforesaid) as were redeemable on the said twenty-fifth of *December*, one thousand seven hundred and sixteen, or might be redeemed at any Time or Times, on or before the twenty-fifth of *December*, one thousand seven hundred and twenty-two, shall be redeemed and paid off in the first place: And that after the same shall be redeemed and paid off, or Money sufficient shall be reserved in the Exchequer for redeeming and paying off the same, according to the true Meaning of this Act, then all the Rest, Residue and Remainder of the said Sum of four millions one hundred fifty-six thousand three hundred and six Pounds, four Shillings, and eleven Pence, and of the said Sums to be computed after the said several Rates of four Years and an half's Purchase, and one Year's Purchase, and of the Monies payable for Interest, as aforesaid, and of every of them, and of every Part thereof, as the same Residues and Remainders, from Time to Time, shall grow due from the said *South-Sea* Company, and as the same shall or ought to be paid into the said Receipt of Exchequer, shall from Time to Time be applied (so far as the same from Time to Time will extend) towards paying off and discharging so much and such Parts of the capital Stock which shall then belong to the said *South-Sea* Company, and to the said Governor and Company of the Bank of *England*, and for the said *East-India* Company, and every or any of them respectively, as by the Tenor and true Meaning of this and the said former Act were to carry Annuities payable at the Exchequer after the Rate of five Pounds *per Centum per Annum*, till the twenty-fourth Day of *June*, one thousand seven hundred and twenty-seven, and afterwards at the Rate of four Pounds *per Centum per Annum*, till Redemption by Parliament, and towards paying off and redeeming so much of the same Annuities which shall then be payable at the Exchequer in respect of the capital Stock which shall be so paid off and discharged; which Application of the Monies last mentioned shall be made in Proportion to the respective Quantities of capital Stock, which in pursuance of this or the said former Acts shall then appear to belong to the said *South-Sea* Company, and to the said Bank of *England*, and to the said *East-India* Company, and

and every of them respectively, and not otherwise; and the Commissioners of the Treasury, or any three or more of them, and the High Treasurer for the Time being, are hereby directed and authorised to cause all the Monies arising of or for the said Sum of four millions one hundred fifty six thousand three hundred and six Pounds, four Shillings, and eleven Pence, and the said Sums to be paid after the said Rates of four Years and an half's Purchase, and one Year's Purchase, and of or for such Interest, as aforesaid, and every of them, and every Part thereof, to be applied in the Manner and Form by this present Act prescribed, touching or concerning the same, and not otherwise.

On every such Payment a proportional Part of the Annuities shall cease.

XXXVII. And it is hereby enacted, That upon every such Payment, or reserving such Money in the Exchequer to make such Payment to the said *South-Sea* Company, and to the said Governor and Company of the Bank of *England*, and the said *East-India* Company, every or any of them respectively, a proportional Part of the Annuities or yearly Funds then belonging to them, and every or any of them respectively, for which the said Rate of five Pounds *per Centum per Annum* is payable, as aforesaid, and for which so much of their capital Stock shall be paid off, or for which Money shall be so reserved, from Time to Time, shall cease and determine; any Thing in this or any former Act or Acts of Parliament contained, or other Matter or Thing whatsoever to the contrary notwithstanding.

6 Geo. 1. c. 4. Recital of the Acts about Exchequer Bills of the sixth of King George.

XXXVIII. And whereas, by Virtue of the aforesaid Act of the sixth Year of his Majesty's Reign, certain Bills, commonly called *Exchequer Bills*, then standing out, which were therein estimated to amount to eight hundred ninety-six thousand six hundred sixty-two Pounds, and ten Shillings, or thereabouts, in principal Money, were appointed to be called or brought in, and to be changed for new Bills to be made forth in the Method which was thereby prescribed, and in Pursuance of the same Act several new Bills have been made forth for several Sums of Money, whereof the Principal hath not exceeded the said Sum of eight hundred ninety-six thousand six hundred sixty-two Pounds, and ten Shillings, adding thereunto the Interest that was due upon the old Bills, as by the said Act was directed; and by the same Act the said *South-Sea* Company, and their Successors, or their Court of Directors on their Behalf, were enjoined during the Term of seven Years, reckoned from the Feast of the Nativity of Saint *John Baptist*, one thousand seven hundred and twenty, to furnish ready Money for exchanging and circulating the new Exchequer Bills which should be made forth by Virtue of that Act; and in case any other Act should be made for making forth any further Sum or Sums in Exchequer Bills to be current at any Time or Times within or during the said Term of seven Years, as is therein mentioned, then the said *South-Sea* Company, and their Successors, where by the said first mentioned Act (in Part before recited) enjoined and required (during so much of the said Term of seven Years as the Bills to be made forth by such other Act should have a joint currency with the Bills to be made forth by the said first mentioned Act) to furnish a proportional Part or Parts of such ready Money as should be sufficient for exchanging and circulating all the Bills so current, which proportional Parts were to be ascertained and determined as by the same Act is prescribed: And whereas, by Virtue of another Act of the sixth Year of his Majesty's Reign, intituled, *An Act for making forth new Exchequer Bills, not exceeding one Million, at a certain Interest, and for lending the same to the* South-Sea *Company at an higher Interest, upon Security of repaying the same and such high Interest into the Exchequer, for Uses to which the Fund for lessening the public Debts, called* The Sinking Fund, *is applicable, and for circulating and exchanging upon Demand, the said Bills at or near the Exchequer*, several other new Exchequer Bills, amounting to one million in principal Monies, were made forth for the Purpose in that Act mentioned; and by the same last mentioned Act the Commissioners of the Treasury, or any three or more of them, or the High Treasurer for the Time being, are enjoined and required (so long as the Exchequer Bills, made forth by Virtue of that Act, should have a joint Currency, or be current at the same Times with the Bills to be made forth by Virtue of the said first mentioned Act) to furnish, out of the Monies of the Fund or Security herein-after mentioned, or out of Loans to be made thereupon, a proportional Part of the ready Money which should be sufficient for exchanging and circulating all the Bills, which should be jointly current; which proportional Part so to be furnished on Behalf of the Public, was thereby prescribed to be so much as, together with a proportional Part which, from Time to Time, should or ought to be furnished by the said *South-Sea* Company, should be sufficient to support the Currency of all the said Bills; and by the Act last-mentioned, the Sum of three hundred twenty-eight thousand six hundred seventy-three Pounds, four Shillings, and Tenpence Halfpenny, then remaining in the Exchequer, and in the same Act particularly specified, and the Monies which (from and after the Application of a certain Sum of five hundred and twenty thousand Pounds therein also particularly specified) should arise of or for the Surplusses, Excesses, and Overplusses, commonly called *The Sinking Fund*, therein also mentioned, are

6 Geo. 1. c. 10.

declared

declared and enacted to be a Fund or Security for furnishing such Proportions of ready Money as are last before mentioned, for or towards exchanging and circulating all the said Exchequer Bills, during their joint Currency: And whereas in and by the Act last in Part before-recited, the Commissioners of his Majesty's Treasury were empowered to issue or cause to be issued by way of Loan or Advance the said Bills not exceeding one Million to the *South-Sea* Company, the same Corporation giving Security upon their Annuity or yearly Fund for Repayment of the principal Sum so lent, with Interest, within such Time as by that Act was limited; and the Commissioners of the Treasury, and High Treasurer for the Time being, are by that Act directed and required to take especial Care, that upon Repayment of the principal Monies so to be lent, the same, with the Interest or Increase accruing thereupon, should be received and applied in the first Place to the paying off and discharging the said Exchequer Bills for one million; and that the Surplus thereof, after paying off and discharging the same Bills, should be placed at the Receipt of Exchequer to and for the same Uses to which the Monies of the Surplusses, Excesses, and Overplusses, commonly called *The Sinking Fund*, are applicable; and that the said *South-Sea* Company shall make just Account of the Principal so borrowed, and the Interest and Increase thereof, and of the Repayment of the same Principal, with the said Interest or Increase thereof, into the Exchequer in Manner as aforesaid; and in Default of paying the said Monies, with the said Interest or Increase thereof, then the Commissioners of the Treasury, or any three or more of them, or the High Treasurer for the Time being, were thereby authorized and required to cause the Monies so lent to be stopped out of the Monies which weekly or otherwise should be payable to the *South-Sea* Company at the Exchequer, for or upon their Annuities or yearly Fund, together with so much more as the Interest of the said Monies so unpaid shall amount unto, and to cause the Principal and Interest so stopped, to be applied and placed in the Exchequer, as aforesaid; as by the said several Acts (herein-before in Part recited) relation being thereunto severally had, doth more fully appear: And whereas the said Sum of five hundred and twenty thousand Pounds, since the making of the Act last before in Part recited, is compleatly satisfied, or sufficient Money is reserved in the Exchequer for that Purpose, and, pursuant to the same Act, the said Exchequer Bills, amounting to one million, were on the seventh Day of *June*, one thousand seven hundred and twenty (as by a Certificate signed by the Auditor of the Receipt of the Exchequer doth appear) issued by Way of Loan or Advance to the said *South-Sea* Company, upon a Security under their common Seal, by an Instrument or Writing, bearing Date the fourth Day of *June*, one thousand seven hundred and twenty, for Repayment of the same in good and lawful Money of *Great-Britain* into the Exchequer at *Westminster* at the End of one Year, to be reckoned from the Time of issuing the said Bills, with Interest after the Rate of four Pounds *per Centum per Annum*, as by the same Instrument or Writing, relation being thereunto had, may also appear: Now, to the End that all Exchequer Bills for the said Sum of one million, and the Interest thereof, may effectually be discharged out of the Monies to be repaid by the same Company, with the Interest thereof as aforesaid, at or before the Time herein-after limited in that Behalf, whereby the said joint Currency may cease, and the Public may be eased of the Burthen and Charge of contributing thereunto; and to the End the said Excesses, Surplusses, and overplus Monies, called *The Sinking Fund*, and other the public Monies aforesaid, after their being freed from the Incumbrance of the Exchequer Bills last-mentioned, may be at Liberty to be applied towards lessening or reducing the public Debts and Incumbrances, according to the true Intent and Meaning of this present Act; it is hereby provided, enacted, and declared by the Authority aforesaid, That the said Corporation, called *The South-Sea Company*, or their Successors, at their own Costs and Charges, on or before the seventh Day of *June*, which shall be in the Year of our Lord one thousand seven hundred and twenty-two (although any Assignment or Assignments before that Time shall or shall not have been made to the said other Companies, or either of them, in Pursuance of this Act, as aforesaid) shall well and truly repay, or cause to be repaid into the said Receipt of Exchequer the said Sum of one million, together with Interest then due for the same; and that upon such Repayment the Monies so repaid, with the Interest or Increase accruing thereupon, shall be applied in the first Place to the paying off and discharging the said Exchequer Bills amounting to one million, with such Interest as shall be due thereupon; and that the Surplus thereof, after paying off and discharging the Bills last-mentioned, shall be placed and applied to the same Uses to which the Monies of the said Sinking Fund are to be applied; and that an Account of the Monies so borrowed and repaid, and of the Interest thereof, shall be made, as by the said former Act was prescribed; and in Default of repaying the said Sum of one million, with the Interest or Increase thereof, according to this Act, then the Annuity and Annuities which shall be then payable at the Receipt of the Exchequer to the said *South-Sea* Company (except so much thereof as in the mean Time shall or may have been assigned or transferred to the said other Companies, or either of them, as aforesaid) shall and may be stopped by the Commissioners of the Treasury, or any three or

South-Sea Company shall repay into the Exchequer by 7 June, 1722, 1,000,000l. with Interest,

to be applied to paying off the Exchequer Bills, &c.

In default, their Annuities may be stopped.

of them, or by the High Treasurer for the Time being, or by the Officers of the Exchequer for the Time being; and the said Exchequer Bills amounting to one million shall and may be called in and cancelled by and with the Monies so stopped, in the Manner prescribed by the said former Act in that Behalf.

After discharging those Bills, &c.

XXXIX. And be it further enacted by the Authority aforesaid, That after discharging the said Exchequer Bills amounting to one million, with all the Interest which shall be due thereupon, and after paying off such public Debts and Incumbrances, carrying Interest or Annuities after the Rate of five Pounds *per Centum per Annum*, or any higher Interest or Annuity founded upon any former Act or Acts of Parliament in that Behalf, as may be redeemed before the said Feast of the Nativity of Saint *John Baptist*, one thousand seven hundred and twenty-seven, or reserving Money sufficient in the Exchequer for those Purposes; then all the Monies of the said Sum of three hundred twenty-eight thousand six hundred seventy-three Pounds, four Shillings, and Ten-Pence Halfpenny, and of the said Surplusses, Excesses and Overplus Monies, commonly called *The Sinking Fund*, which then shall or ought to remain in the Receipt of the Exchequer, and all the said Overplus (if any be) of the said Interest-Monies, which shall be paid by the said *South-Sea* Company for the said million lent as aforesaid, shall immediately, or as soon as the Monies then resting of the said Sinking Fund can be computed, be applied (so far as the same will extend) towards paying off and discharging so much and such Parts of the capital Stock, which shall then belong to the said *South-Sea* Company, and to the said Governor and Company of the Bank of *England*, and to the said *East-India* Company, and to every or any of them respectively, as by the Tenor and true Meaning of this and the said former Act in that Behalf are to carry Annuities payable at the Exchequer, after the Rate of five Pounds *per Centum per Annum*, till the twenty-fourth of *June*, one thousand seven hundred and twenty-seven, and afterwards at the Rate of four Pounds *per Centum per Annum*, till the Redemption by Parliament, and towards paying off and redeeming so much of the same Annuities which shall be then payable at the Exchequer, in Respect of the capital Stock which shall be so paid off and discharged; which Application of the Monies last-mentioned shall be made in Proportion to the respective Quantities of capital Stock, which in Pursuance of this and the said former Acts shall then appear to belong to the said *South-Sea* Company, and to the said Bank of *England*, and to the said *East-India* Company, and every of them respectively, and not otherwise.

Then all the Sinking Fund, &c. shall be applied towards paying off Part of the capital Stock of the three Companies, &c.

All the Monies of the Sinking Fund before 24 June, 1720, shall be applied by even Sums of 100,000l. for discharging Part of the capital Stock of the said Companies,

XL. And it is hereby further enacted by the Authority aforesaid, That all the Monies of the said Surplusses, Excesses, and Overplus Monies, commonly called *The Sinking Fund*, which after the Application of so much thereof as is in and by this Act before directed to be applied or reserved as aforesaid, shall arise and be brought into the Exchequer, at any Time or Times before the said Feast of the Nativity of Saint *John the Baptist*, which shall be in the Year of our Lord one thousand seven hundred and twenty-seven, shall and may be applied, at the End of every Year, so far as the same will from Time to Time extend, by even Sums of one hundred thousand Pounds at a Time, for or towards paying off and discharging Part of the said Capital Stocks of the said *South-Sea* Company, and of the Bank of *England*, and of the said *East-India* Company respectively, in Proportion to the respective Quantities of the said Stock which shall then belong to those Corporations respectively; and upon every Payment to be made in Pursuance of this Act to the said *South-Sea* Company, and to the Governor and Company of the Bank of *England*, and to the said *East-India* Company, and every or any of them respectively, of any Part of their said capital Stock, a proportional Part of their Annuities or yearly Funds, payable at the said Rate of five Pounds *per Centum per Annum*, for so much of the said capital Stock as shall be so paid off from Time to Time, shall cease and determine: and the said Commissioners of the Treasury, or any three of them, and the High Treasurer for the Time being, are hereby directed and authorised to cause the Monies of the said Sum of three hundred twenty-eight thousand six hundred seventy-three Pounds, four Shillings, and Ten-Pence Halfpenny, and of the said Surplusses, Excesses, and Overplusses, called *The Sinking Fund*, and the said Overplus of the said Interest-Monies, to be applied for or towards paying off the said public Debts and Incumbrances, and for or towards paying off the said capital Stock of the said *South-Sea* Company, and (in case of such Assignment or Assignments as aforesaid) of the said capital Stock of the said other Companies, and reducing a proportional Part of their Annuities or yearly Funds, as this Act directs; any former Law or Statute, or any other Matter or Thing whatsoever, to the contrary notwithstanding.

and thereupon a proportional Part of their Annuities shall cease.

Proviso for paying off and discharging the Exchequer Bills.

XLI. Provided always, and it is hereby enacted, That if at any Time or Times hereafter Provision shall be made by Authority of Parliament, in the lawful Coins of this Realm, placed in the Exchequer, for paying off and discharging the said Exchequer Bills for the said Sum of

one million, the Bills themselves which shall be so paid off, or for which such coined Monies shall be reserved in the Exchequer, as is prescribed in the Act (last in Part before recited) shall be discharged therewith and cancelled, as is thereby directed: and if before the first Day of *March*, one thousand seven hundred and twenty-one, or before the End of the Session of Parliament then next ensuing, coined Monies shall not be raised and brought into the Exchequer, for discharging the Bills last-mentioned; then all or any of the Monies which shall then remain in the Exchequer, of the said Sum of three hundred twenty-eight thousand six hundred seventy-three Pounds, four Shillings, and Ten-Pence Halfpenny (if any such be), and all the Monies which from and after such Session of Parliament shall quarterly arise of or for the said Surplusses and Overplus Monies, called *The Sinking Fund*, or otherwise, as is mentioned in the Act last in Part before recited, shall be applied for or towards discharging the said Exchequer Bills amounting to one million, till they shall be all compleatly paid off and cancelled in the Manner and Form by the same Act prescribed and intended; this present Act, or any Thing therein contained, to the contrary notwithstanding.

6 Geo 1. c. 10.

7 GEORGII. Cap. XXI.

An Act for the further preventing his Majesty's Subjects from trading to the East-Indies, *under foreign Commissions; and for encouraging and further securing the lawful Trade thereto; and for further regulating the Pilots of* Dover, Deal, *and the Isle of* Thanet.

Farther Provisions concerning the Matters in this Act, 9 Geo. 1. c. 26.; 9 & 10 W. 3. c. 44.; 6 Ann. c. 17; 10 Ann. c. 28.; 5 Geo. 1. c. 21. Offences against this Act are excepted out of the general Pardon, 20 Geo. 2. c. 52.

WHEREAS it is of Importance to the Welfare of this Kingdom, that the Trade to and from the *East-Indies*, as the same is now regulated, be carried on in such Manner, as that the *British* Nation may have and enjoy the full Fruits and Advantages thereof; and whereas by Virtue of several Acts of Parliament and Letters Patents the whole Trade to and from the *East-Indies*, and other Places beyond the *Cape of Good Hope*, in the said Acts and Letters Patents mentioned, is now solely vested in the United Company of Merchants of *England* trading to the *East-Indies*, notwithstanding which, and notwithstanding the Prohibitions, Injunctions, and Penalties contained in such Acts and Letters Patents for securing the said Trade to the said Company, several evil-minded Persons, Subjects of his Majesty, preferring their own private Gain to the good of their Country, have not only clandestinely, and without any Authority from the said Company, trafficked and traded to and from the *East-Indies*, but have also, by Colour or upon Pretence of Commissions obtained from foreign Governments, openly and publicly, in Defiance of the said Laws, and in Contempt of his Majesty's Authority, fitted out, manned and loaded great and defensible Ships, and have sent out the same or sailed therewith to the *East-Indies* and Parts aforesaid, and have prevailed upon several *British* Seamen, and other Subjects of his Majesty, to serve on board the said Ships, and to engage in the same Undertaking, to the Diminution of his Majesty's Revenue, and of the Naval Force and Commerce of this Kingdom: Now, to the intent that such wicked, mischievous and destructive Practices may be prevented for the future, and that the Trade aforesaid may be more effectually guarded and successfully carried on; be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in Parliament assembled, and by the Authority of the same, That if at any Time from and after the four and twentieth Day of *June*, which shall be in the Year of our Lord one thousand seven hundred and twenty-one, any of his Majesty's Subjects shall sail, go or repair to, or shall trade, traffic, or adventure in, to or from the *East-Indies*, or Parts aforesaid, contrary to the Laws now in being, or contrary to the Tenor of this Act, in every such Case, it shall or may be lawful, either for his Majesty's Attorney General for the Time being, or for the said United Company, at any Time within the Space of six Years, to file or exhibit, in any one of his Majesty's Courts of Record at *Westminster*, one or more Information or Informations against such Offender or Offenders for the Offence by him or them committed; and if the Party or Parties, Defendant or Defendants, to such Information or Informations shall, by due Course of Law, appear or be found to be guilty thereof, in the Court where such Information or Informations shall be so filed or exhibited, shall forthwith proceed to give Judgment against the Defendant and Defendants, by such Fine and Imprisonment, or either of them, as the said Court shall think fit; and shall also award the Prosecutor or Prosecutors his and their full Costs of Suit; but in case the said Defendant or Defendants shall be, upon any Information exhibited

If any go or traffic to or from the East-Indies, contrary to Law, the Attorney General, &c. may file an Information against such Offender, who shall be fined and imprisoned at the Discretion of the Court.

exhibited by the said Company, acquitted or found not guilty, in such Case the said Company shall pay such Defendant or Defendants his or their full Costs.

All Contracts for Loans by way of Bottomry on any Foreigners' Ships bound for the East-Indies, and for loading such Ships, void.

II. And it is hereby further declared and enacted by the Authority aforesaid, That all Contracts and Agreements whatsoever, at any Time from and after the said four and twentieth Day of *June*, one thousand seven hundred and twenty-one, made or entered into by any of his Majesty's Subjects, or any Person or Persons in Trust for them, for or upon the Loan of any Monies by way of Bottomry on any Ship or Ships in the Service of Foreigners, and bound or designed to trade in the *East-Indies* or Parts aforesaid; and all Contracts and Agreements whatsoever made by any of his Majesty's Subjects, or any Person or Persons in Trust for them, for the loading or supplying any such Ship or Ships with a Cargo or Lading of any Sort of Goods, Merchandize, Treasure or Effects, or with any Provisions, Stores or Necessaries, and all Copartnerships or Agreements in the Nature of Copartnerships, made or entered into, relating to any such Voyage or the Profits thereof, and all Agreements for the Wages of any Person or Persons serving on Board such Ship or Ships to be employed in such Voyage, shall be and are hereby declared to be void.

Any repairing to the East-Indies, contrary to the Laws, shall be deemed a Trader, and Goods forfeited.

III. And it is hereby further enacted and declared, That every Person and Persons, Subject and Subjects of his Majesty, his Heirs or Successors, who shall, at any Time or Times from and after the said four and twentieth Day of *June*, one thousand seven hundred and twenty-one, sail, go or repair to the said *East-Indies* or Places aforesaid, contrary to the Laws now in being, shall be deemed and accounted to be a Trader, and to have traded and trafficked there; and all the Goods and Merchandizes that shall be there bartered or trafficked for, or be purchased by any such Offender or Offenders, or shall be found in his Custody, or in the Custody of any other Person or Persons, by his or their Order or Procurement, shall be forfeited, together with double the Value thereof.

All Goods shipped for the East-Indies, or taken out of Ships coming from thence, forfeited, together with double Value.

IV. And it is hereby further enacted by the Authority aforesaid, That all and every the Goods, Merchandize, Treasure and Effects that shall, at any Time or Times from and after the said four and twentieth Day of *June*, one thousand seven hundred and twenty-one, be shipped or put on board any Ship or Ships, Vessel or Vessels, bound to the *East-Indies* or Parts aforesaid (other than and except the Goods, Merchandize, Treasure, and Effects of the said Company, or such as are licensed by them, or the Naval Stores, Provisions, and Necessaries for such Ship or Ships performing their Voyage), and all and every the Goods, Merchandize, Treasure and Effects (except as before is excepted) that shall, from and after the Time aforesaid, be taken out of any such Ship or Vessel in her Voyage homeward from the *East-Indies* or Parts aforesaid to *England*, before her Arrival there, the same and every of them shall be forfeited, together with double the Value thereof; and the Master or Commander, and other Officers of such Ship or Ships, Vessel or Vessels, for the Time being, knowingly permitting or sufferring any such Goods, Merchandize, Treasure or Effects to be shipped or put on board any such Ship or Ships so bound to the *East-Indies*, or to be taken out of any such Ship or Ships bound from the *East-Indies* or Parts aforesaid to *England*, shall forfeit for every such Offence the Sum of one thousand Pounds, and moreover shall not be entitled to have, demand or receive any Wages whatsoever; nor shall the said Company be obliged or compelled or compellable to pay any Wages to, or to the Use or upon the Account of any such Master, Commander or Officer, for or in Respect of the Voyage so made or to be made by such Master, Commander or Officer, but shall have an Allowance or Deduction in Respect thereof out of the Monies payable by them on Account of the Ship to which such Master or Officers belong.

Masters of such Ships to forfeit 1000l. lose their Wages, &c.

Attorney-General may exhibit a Bill of Complaint in the Exchequer for Discovery of such Trading, &c. and waiving the Penalties, &c.

V. But forasmuch as it happens many Times, that the above-mentioned illegal Trade is carried on and managed so artfully and covertly, that the said United Company cannot come to the Knowledge and Proof of the same, and at most cannot ascertain the Quantities, Qualities and Values of the Goods, Merchandize, Treasure and Effects so traded for, nor therefore obtain any Satisfaction or Compensation for the Damages by them sustained to their great Loss and Detriment, and to the great and apparent lessening of his Majesty's Revenue: Therefore it is provided and further enacted by the Authority aforesaid, That it shall and may be lawful to and for his Majesty's Attorney General for the Time being, at the Relation of the said Company, or by his own Authority, to exhibit a Bill or Bills of Complaint in his Majesty's Court of Exchequer against any Person or Persons trading, dealing, trafficking or adventuring, at any Time from and after the said twenty-fourth Day of *June*, one thousand seven hundred and twenty-one, in, to, or from the *East-Indies*, or Places aforesaid, contrary to Law, or against any Person or Persons concerned as Agent, Factor, or Copartner with such illegal Traders, for Discovery of such their trading, dealing, trafficking and adventuring, and for Recovery of such Duties and Damages as are herein-

after mentioned, waving or disclaiming in every such Bill all the Penalties and Forfeitures incurred by such Person or Persons for the Matters in such Bill contained; and that such Person or Persons shall answer the said Bill or Bills, and not plead or demur to the Discovery thereby sought, and pay to his Majesty the Customs and Duties of the Goods and Merchandizes arising, produced or purchased by the said unlawful Trade, Traffic or Adventuring, and shall answer and pay to the said Company for the same thirty Pounds *per Centum* according to the Value thereof in *England*; and if such Offender or Offenders pay the said Duties and Customs, or the Amount of the same, into his Majesty's Exchequer for the Use of his Majesty, and Damages to the said Company, he or they shall not be prosecuted upon any other Branch or Article in this Act, or upon any other Law or Statute whatsoever, for the same Offence; and if such Bill or Bills (if exhibited at the Relation of the said Company) be dismissed by the Court where the same shall be exhibited, the said United Company shall pay every such Defendant and Defendants his and their Costs of Suit; and in case there be a Decree obtained against the Defendant or Defendants, such Defendant or Defendants shall pay Costs to his Majesty and the Relator respectively.

Such Person shall answer and not plead or demur to the said Bills, and pay the Customs, &c.

Costs to be paid by either side.

VI. And it is hereby further enacted by the Authority aforesaid, That all and every the Forfeitures and Penalties herein before appointed and enacted, or which are appointed or enacted, in and by one Act made in the ninth Year of the Reign of his late Majesty King William, intituled, *An Act for raising a Sum not exceeding two Million upon a Fund for Payment of Annuities after the Rate of eight Pounds* per Centum per Annum, *and for settling the Trade to the* East-Indies; or in and by one other Act made in the sixth Year of the Reign of her late Majesty Queen Anne, intituled, *An Act for better securing the Duties of* East-India *Goods*; or in and by one other Act made in the fifth Year of the Reign of his present Majesty, intituled, *An Act for the better securing the lawful Trade of his Majesty's Subjects to and from the* East-Indies; *and for the more effectual preventing all his Majesty's Subjects trading thither under foreign Commissions*, shall, from and after the said four and twentieth Day of *June*, one thousand seven hundred and twenty-one, be sued for, recovered and recoverable in any of his Majesty's Courts of Record at *Westminster*, by Bill, Plaint or Information, at the Suit or Prosecution of his Majesty's Attorney General for the Time being, or of the said United Company, or of any Officer or Officers of the Customs, such Officer or Officers of the Customs first taking such Consent and Directions as is or are contained in the Proviso for that Purpose hereafter; and that one-third Part of all such Forfeitures and Penalties shall be to the Use of his Majesty, his Heirs and Successors; one other third Part thereof to the Use of the said United Company; and the remaining third Part thereof to the Use of such Officer or Officers of the Customs as shall inform, and so as aforesaid sue for the same; in which Suits or Prosecutions no Essoin, Wager of Law, or Protection, shall be allowed, or any more than one Imparlance.

Forfeitures appointed by this Act, or by 9 & 10 W. 3. c. 44, 6 Ann. c. 3 and 5. Geo. 1. c. 21. one third to the King, one other to the Company, and the remaining third to the Officers of the Customs that shall sue for the same.

VII. Provided nevertheless, and it is hereby further enacted and declared, That before any Suit or Prosecution shall be commenced for the Recovery of all or any the Penalties or Forfeitures aforesaid, by any such Officer or Officers of the Customs, such Officer or Officers shall first repair and go to the Court of Directors of the said United Company for the Time being, and make known to them the Offence committed, and his or their Intentions to sue or prosecute for the same; and if the said Court of Directors shall elect to have the Suit or Prosecution brought or commenced by Bill or Bills of Complaint, to be filed or exhibited in the Court of Exchequer, with such Waiver and Disclaimer of the Penalties and Forfeitures as aforesaid, then and in such Case such Bill or Bills of Complaint shall be filed and exhibited, and prosecuted accordingly, in the Name of the Attorney General, as aforesaid; and then and thereupon there shall be yielded and paid by the said Company to such Officer or Officers one quarter Part of the Monies that shall be recovered upon such Suit, for the Benefit of the said Company; and the said United Company shall moreover bear the Charges of the said Suit or Prosecution; but if the said Court of Directors shall elect to have the Suit or Prosecution commenced for the Penalties or Forfeitures by Informations or Actions of Debt at Law; then the said Officer or Officers shall accordingly sue and prosecute for the same at Law; and the said Informations or Actions shall be proceeded upon, and shall not be discontinued or determined, but by and with the Consent of the said United Company, or their Court of Directors.

Officers not to sue without acquainting the Court of Directors.

VIII. Provided always, That this Act or any Thing herein contained, shall not extend, or be construed, deemed or taken to extend, to subject the Governor and Company of Merchants of *England* trading into the *Levant Seas*, or any Member thereof, to answer such Bill, or subject him or them to any other the Penalties and Forfeitures hereby enacted, for or in Respect of his or

Not to extend to the Levant Company.

or their trading into the *Levant Seas*; any Thing herein contained to the contrary in any wise notwithstanding.

IX. And it is further enacted by the Authority aforesaid, That from and after the said four and twentieth Day of *June*, one thousand seven hundred and twenty-one, no Commodity of the Growth, Product or Manufacture of the *East Indies*, or other the Places aforesaid, shall be imported or carried into the Kingdom of *Ireland*, the Islands of *Jersey*, *Guernsey*, *Alderney*, *Sark* or *Man*, or into any Land, Island, Plantation, Colony, Territory or Place, to his Majesty, or to the Crown of *Great-Britain* belonging, or which shall hereafter belong to his Majesty, his Heirs and Successors, in *Africa* or *America*, but such only as shall be *bonâ Fide*, and without Fraud, loaden and shipped in *Great-Britain* in Ships navigated according to the several and respective Laws now in being, as to the several Places to which the said Goods shall be imported or carried, under the Penalty of forfeiting all such Goods or the Value thereof, together with the Ship or Vessel in which they shall be imported, with all their Guns, Tackle, Furniture, Ammunition, and Apparel; and such Ship and Goods shall and may be seized, and the same, or the Value thereof, shall and may be prosecuted in any of his Majesty's Courts of Record at *Westminster* or in *Dublin*, or in any of his Majesty's Courts in such Land, Island, Colony, Territory or Place where the Offence shall be committed, or in the royal Courts of *Jersey* and *Guernsey* respectively, by Bill, Plaint or Information, wherein no Essoin, Protection, or Wager of Law shall be allowed, nor any more than one Imparlance; one Moiety of which Forfeiture shall be to the Use of his Majesty, his Heirs and Successors, and the other Moiety to him or them who shall seize or sue for the same; except such Offence shall be committed in any of his Majesty's Plantations in *Africa* or *America*; in which Case one third Part of the said Forfeiture shall be to the Use of his Majesty, his Heirs and Successors, one other third Part to the Governor of such Land, Island, Colony or Place where the Offence shall be committed, and the other third Part to the Informer or Prosecutor; any Law, Custom or Usage to the contrary notwithstanding: And if any Officer or Officers of the Customs in the said Kingdom of *Ireland*, or in the Lands, Islands, Colonies, Plantations, Territories or Places aforesaid, shall willingly or knowingly connive at the fraudulent Importation of any such Commodities as is before-mentioned, contrary to the true Meaning hereof; or if any such Officer or Officers shall take upon him or them to seize any of the said Commodies, and shall, by Fraud or Collusion, desist or delay the Prosecution thereof to Condemnation; he or they so conniving, desisting or delaying, shall forfeit and lose the Sum of five hundred Pounds, to be sued for and recovered in Manner aforesaid; one Moiety of which Forfeiture to be to the Use of his Majesty, his Heirs and Successors, and the other Moiety thereof to him or them who inform and sue for the same; and such Officer or Officers shall also for the future be incapable of holding any Office or Employment under his Majesty, his Heirs and Successors.

7 Geo. 1. c. 7. East-India Goods carried into Ireland, Jersey, &c. except such as are loaden in Great-Britain, shall be forfeited, together with the Ship, &c. Amended by 12 Geo. 2. c. 22.

How such Forfeitures shall be disposed of.

Officers of the Customs conniving at such Importation, or delaying the Prosecution, to forfeit 500l. and be incapable of any Office under the Crown.

Concerning India Goods see further 10 Geo. 1. c. 11. 9 Geo. 2. c. 4. 15 Geo. 2. c. 31.

X. And whereas by an Act passed in the fourth Year of the Reign of King *William* and Queen *Mary*, for granting to their Majesties certain additional Impositions upon several Goods and Merchandizes, for the prosecuting the War against *France*, the several Duties charged by that Act upon amber Beads, amber Rough, coral Beads, and polished Coral, and upon Cowries, are to be repaid to the Merchants exporting the same, if exported within three Years from the Importation thereof, which Act is now in Force: And whereas by several other Acts of Parliament now in Force, the Time for Exportation of some foreign Goods by *British* Merchants is limited to the Space of twelve Months, and of other foreign Goods to the Space of eighteen Months, or thereabouts, from the Times of the Importation thereof: And whereas the Time for Exportation of some foreign Goods, by Aliens or merchant Strangers, is limited to the Space of nine Months, and of others to the Space of fifteen Months, or thereabouts, for the Times of importing the same; but forasmuch as it hath been found by Experience, that the said respective Times of nine Months, twelve Months, fifteen Months, and eighteen Months afore-mentioned, are too short and very inconvenient to Traders; and forasmuch also as it will be for the Benefit of the Trade of this Kingdom, if the Time given for repaying or drawing back the Duties upon the Exportation of all Goods and Merchandizes of his Majesty's Plantations, and all other foreign Goods and Merchandizes whatsoever, be enlarged, be it therefore further enacted, by the Authority aforesaid, That the respective Times for Exportation of all Goods and Merchandizes of his Majesty's Plantations, and all other foreign Goods and Merchandizes, as the same are now limited by any Law or Laws in being, shall, from and after the said twenty-fourth Day of *June*, one thousand seven hundred and twenty-one, be extended and enlarged, so that in all Cases where Repayments, Allowances or Drawbacks, are made upon the Exportation of any Goods and Merchandizes of his Majesty's Plantations, and all other foreign Goods and Merchandizes imported, and afterwards exported, by Virtue of any Law now in Force, all Merchants and Traders, Bodies potitic and Corporations,

4 & 5 W. & M. c. 5. The Duties on Beads, &c. are repealed 17 Geo. 2. c. 31.

10 Ann. c. 26. Sect. 41. 1 Geo. 1 Stat. 2. c. 43. Sect. 5.

After 24 June, 1721, three Years allowed for the Exportation of foreign Goods after the Importation thereof. See 6 Geo. c. 38.

porations, shall from thenceforth have and be allowed three Years Time, from the Importation of such Goods, to export the same, accounting such Importation from the Master's Report of the Ship; and all and every such Merchant and Merchants, Trader and Traders, Bodies politic and Corporations, shall have the like Repayments, Allowances, and Drawbacks, by and for such Exportation, as if the same had been exported within the respective Times before mentioned, or any other Times limited by any Law now in being for that Purpose; such Law, or any other Law, Custom or Usage to the contrary in any wise notwithstanding: Provided nevertheless, That Certificates and Oaths be made, and all other Requisites performed, according to the Laws now in being relating to the Importation and Exportation of such Goods.

But Certificates and Oaths shall be made according to the Laws now in being.

Clause for enlarging to three Years the time for Sale of Muslins, White Callicoes, and unrated East-India Goods.
11 & 12 W. 3. c. 3; 12 & 13 W. 3. c. 11; 3 & 4 Ann. c. 4; 6 Ann. c. 22; 12. Ann. Stat. 2. c. 19; 2 W. & M. Sess. 2. c. 4; 7 & 8 W. 3. c. 10; 2 & 3 Ann. c. 9.

XI. And whereas by the several Acts which granted the Duties of fifteen *per Centum* upon Muslins and white Callicoes imported (which Acts are now in force) the Importers, before the landing thereof, are to give Security by Bond for Payment of the said Duties, as soon as the same shall be sold, and for exposing the said Goods to Sale openly and fairly by the Way of Auction or Inch of Candle within the City of *London*, within the Time of twelve Months after the Importation thereof; and in case the said Goods shall, within the Time limited, be fairly sold, as aforesaid, and in case the Importers shall pay down the said Duties in Ready Money, within twenty Days after such Sale, they are to have an Allowance after the Rate of five Pounds for every one hundred Pounds of Duties so paid: And whereas, by several Acts of Parliament now in Force for granting, continuing, and better securing the Duties payable *ad valorem* upon unrated *East-India* Goods, and for ascertaining the Values according to which such Duties shall be paid, the Importer or Importers thereof are, in like Manner, to give Security by Bond for Payment of the said Duties according to the real Values of the said Goods, to be ascertained according to the respective Acts of Parliament in that Behalf made (except coffee), as soon as the said Goods shall be sold, and also for exposing the said Goods to sale openly and fairly by way of Auction, or by Inch of Candle, within the City of *London*, within the Time of twelve Months after the Importation thereof; and for as much as the restraining the said Muslins, White Callicoes, and unrated *East-India* Goods, to be sold within twelve Months from the Importation thereof, may sometimes be detrimental to the Revenue; and that the enlarging the said Time of Sale will be for the Benefit of the Trade of this Kingdom: Be it therefore enacted by the Authority aforesaid, That for such of the said Goods as are at present imported and unsold, or shall, from and after the said four and twentieth Day of *June*, one thousand seven hundred and twenty one, be imported, the Importer or Importers thereof may, at any Time within the Space of three Years from the Importation of such respective Goods, expose the same to Sale, and after such Sale there shall be allowed the like Discounts on Payments of the respective Duties on such Goods, as if the same had been exposed to Sale within the Time of twelve Months as before mentioned, or any other Time heretofore limited by Law; and from and after the said four and twentieth Day of *June*, one thousand seven hundred and twenty one, the Condition of the Bond or Bonds to be given by the Importers for Payment of the said Duties on the Goods before mentioned, shall be to expose the same to Sale within the Space of three Years from the Importation thereof; and the Importer or Importers of the said Goods shall be entitled to the same Discounts, Allowances, and Payments of the Duties upon the said Goods, as if the same had been sold within the said Time of twelve Months; any Law, Usage, or Custom to the contrary notwithstanding.

3 & 4 Ann. c. 4. Clause for repealing so much of any former Act, as relates to, or allows the importing of Tea by Licence or Certificate.

6 Geo. 1. c. 21.

XII. And whereas by an Act, passed in the third Year of the Reign of her late Majesty Queen *Anne*, for continuing Duties upon low Wines, and upon Coffee, Tea, Chocolate, Spices, and Pictures, and upon Hawkers, Pedlars and Petty Chapmen, and upon Muslins, and for granting new Duties upon several of the said Commodities, and also upon Callico, *China* Ware, and Drugs; it is enacted, That any Person or Persons may import into this Kingdom, Tea, subject to the several Duties payable for the same, from any Parts beyond the Seas, in *British* Ships, navigated as therein mentioned, so as Notice be first given to the Commissioners of her Majesty's Customs of the Quantity and Quality of the said Tea so intended to be imported, and the Place in which they intend to import the same, and taking a Licence under the Hands of the said Commissioners for the Time being, or any three of them, for the landing and importing thereof, as aforesaid, which Act hath been since continued, and is now in Force: And whereas the Method of granting those Licences, by an Act passed in the last Session of Parliament, intituled, *An Act for preventing Frauds and Abuses in the Public Revenues of Excise, Customs, Stamp Duties, Post-Office, and House-Money*, is altered and explained: And whereas, under the Colour of such Licences, great Frauds are committed to the Prejudice of his Majesty's Revenue: and forasmuch as it hath been found by Experience, that the allowing the Importation of Tea, by Virtue of such Licenses or Certificates from *Ostend*, and other Places not being the Place of its Growth, tends to promote the illegal Trade carried on by his Majesty's Subjects to the *East-Indies* under foreign Commissions,

Commissions, and in Conjunction with Foreigners, and is very prejudicial to the Trade and Navigation of this Kingdom: for the preventing thereof, be it enacted by the Authority aforesaid, That from and after the said four and twentieth Day of *June*, one thousand seven hundred and twenty-one, so much of the said Act of the third Year of her said late Majesty, and of the several Acts continuing the same, and so much of the said Act of his present Majesty which past the last Sessions of Parliament, and every other Act which relates to or allows of the importing Tea by Licence or Certificate, as aforesaid, shall be, and the same are hereby repealed, annulled, and made void, to all Intents and Purposes whatsoever.

Company may ship out Stores of War, Duty free.

XIII. And be it further enacted by the Authority aforesaid, That the said United Company shall for the Future be allowed to ship out Stores, Provisions, Utensils of War, and Necessaries for maintaining their Garrisons and Settlements, free of all Duties, so as such Duties, if they had been to be paid, would not have exceeded or do not exceed, in any one Year, the Sum of three hundred Pounds.

Lord Warden of the Cinque Ports, with the Assent of the Commissioners of Load Manage, &c. to make Orders for the better Government of Pilots at Dover, Deal, &c. 3 Geo. 1. c. 13; 10 Geo. 1. c. 17. Concerning Pilots, see 23 Geo. 2. c. 26. by which this Clause is continued to 25 March, 1764.

XIV. And whereas Frauds are frequently committed in clandestinely running of Goods out of Ships and Vessels Homeward bound, as well from the *East-Indies* as other Parts, on Pretence of Boats plying with Pilots for such Ships and Vessels at a great Distance from the proper Stations of such Pilots, by Means whereof they escape the Inspection of the Officers of the Customs, and several Mischiefs and Inconveniences have happened, as well to his Majesty's as to Merchant Ships, by the Disorders and Negligences of Pilots residing at *Dover*, *Deal*, and the Isle of *Thanet*, which are not sufficiently prevented by an Act made in the third Year of his present Majesty's Reign, intituled, *An Act for the better regulating of Pilots for conducting of Ships and Vessels from* Dover, Deal, *and the Isle of* Thanet, *up the River of* Thames *and* Medway; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful to and for the Lord Warden of the Cinque Ports for the Time being, or his Deputy, with the Assent of the Commissioners of Load Manage, and of the Masters and Wardens of the Society or Fellowship of Pilots of the *Trinity House* of the Cinque Ports, or the major Part of them, at an Assembly commonly called *a Court of Load Manage*, to be held by the said Lord Warden or his Deputy, during the Continuance of the said Act of the third Year of his Majesty's Reign, to make such Rules and Orders for the better Government and Regulation of the Pilots residing at *Dover*, *Deal*, and the Isle of *Thanet*, as shall be thought fit and convenient, and to order and direct a proportionable and sufficient Number of the respective Pilots, residing at *Dover*, *Deal*, and the Isle of *Thanet*, not less than eighteen, to ply constantly at Sea, at all seasonable Times, to be ready to conduct such Ships and Vessels up the said Rivers of *Thames* and *Medway*, as shall have Occasion for them; and that it shall and may be lawful to and for the said Lord Warden of the Cinque Ports for the Time being, or his Deputy, during the Continuance of the said Act, with the Assent of the said Commissioners, and the Master and Wardens of the said Society or Fellowship, for the Time being, or the major Part of them, at a Court of Load Manage to be held as aforesaid, to suspend or deprive any of the said Pilots for breaking such Rules or Orders, or omitting any Thing required by the same, or for acting in anywise contrary to such Rules or Orders; and if any of the said Pilots so suspended or deprived, during the Time of such Suspension or Deprivation, shall take upon him or themselves to conduct any Ship or Vessel by or from *Dover*, *Deal*, or the Isle of *Thanet*, to any Place or Places in or upon the said River of *Thames* or *Medway*, such Pilot or Pilots shall be liable to all such Pains and Penalties, to be recovered and applied in like Manner and Form as are provided by the said Act of the third Year of his present Majesty, against such Person or Persons as shall conduct Ships from and to the Places aforesaid, without being first examined and approved by the Master and Wardens of the said Society or Fellowship at the said Court, and admitted into the said Society. [*This Clause is continued by* 10 Geo. 1. *c.* 17. *sect.* 2. 8 Geo. 2. *c.* 21. *and* 23 Geo. 2. *c.* 26.]

8 GEORGII. Cap. XXII.

An Act to prevent the Mischiefs by forging Powers to transfer such Stocks, or to receive such Annuities or Dividends, as are therein mentioned, or by fraudulently personating the true Owners thereof; and to rectify Mistakes of the late Managers for taking Subscriptions for increasing the capital Stock of the South-Sea *Company, and in the Instruments founded thereupon.*

[So much thereof as relates to the *East-India Company.*]

Offences against this Act are excepted out of the general Pardon, 20 Geo. 2. c. 52. sect. 22.

WHEREAS of late divers Frauds and Abuses have been committed by forging and counterfeiting the Hands of some of the Proprietors of the Shares of and in the capital Stock and Funds of such Body or Bodies politic or corporate, as are established by Act or Acts of Parliament in that Behalf, or some of them, or by forging or counterfeiting the Hands of Persons entitled to the Dividends attending the said Shares, or some of them, or by forging or counterfeiting the Hands of Persons entitled to Annuities, in respect whereof the Proprietors have transferrable Shares in a capital Stock or Stocks established by Act or Acts of Parliament, in Proportion to their respective Annuities; and divers Frauds and Abuses have been or may be committed by Persons falsely and deceitfully personating the true and real Proprietors of the said Shares in Stock, Annuities, and Dividends, or some of them: now, for the better preventing such pernicious Practices for the Future, be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person or Persons whatsoever,

After 1 March, 1721, forging Letters of Attorney, &c.

from and after the first Day of *March*, one thousand seven hundred and twenty-one, shall forge or counterfeit, or procure to be forged or counterfeited, or knowingly and wilfully act or assist in the forging or counterfeiting any Letter of Attorney, or other Authority or Instrument to transfer, assign, sell, or convey any such Share or Shares, or any Part of such Share or Shares of and in such capital Stock or Stocks as aforesaid, or any of them, or to receive any such Annuity or Annuities, Dividend or Dividends as aforesaid, or any of them, or any Part thereof, or shall forge or counterfeit, or procure to be forged or counterfeited, or knowingly and wilfully act or assist in

or counterfeiting Names of Proprietors, &c.

the forging or counterfeiting any the Name or Names of any the Proprietors of any such Share or Shares in Stock, or of any the Persons entitled to any such Annuity or Annuities, Dividend or Dividends as aforesaid, in or to any such pretended Letter of Attorney, Instrument or Authority, or shall knowingly and fraudulently demand, or endeavour to have any such Share or Shares in Stock, or any Part thereof, transferred, assigned, sold, or conveyed, or such Annuity or Annuities, Dividend or Dividends, or any Part thereof, to be received by Virtue of any such counterfeit or forged Letter of Attorney, Authority or Instrument, or shall falsely and deceitfully personate any true and real Proprietors of the said Shares in Stock, Annuities, and Dividends, or any of them, or any Part thereof, and thereby transferring or endeavouring to transfer the Stock, or receiving or endeavouring to receive the Money of such true and lawful Proprietor, as if such Offender were the true and lawful Owner thereof; then and in every or any such Case, all and every such Person and Persons (being thereof lawfully convicted in due Form of Law) shall be adjudged guilty of Felony, and shall suffer as in Cases of Felony, without Benefit of Clergy.

or falsely personating real Proprietors of Shares, &c. Felony. 7 Geo. 2. c. 22. And see 31 Geo. 2. c. 22. by which this Clause is extended.

8 GEORGII. Cap. XXIV.

An Act for the more effectual suppressing of Piracy.

27 H. 8. c. 4.; 28 H. 8. c. 15.; 11 & 12 W. 3. c. 7.; 1 Geo. 1. st. 2. c. 25; 4 Geo. 1. c. 11.

WHEREAS the number of Persons committing Piracies, Felonies and Robberies upon the Seas, is of late very much increased; and notwithstanding the Laws already made and now in being, many idle and profligate Persons have turned Pirates, and betaken themselves to that wicked Course of Life, whereby the Trade and Navigation into remote Parts will greatly suffer, unless some further Provision be speedily made for bringing such Persons, and all others, who shall be any ways aiding and assisting, or in Confederacy with them; to condign Punishment; be

be it therefore declared and enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Commander or Master of any Ship or Vessel, or any other Person or Persons, shall, from and after the twenty-fifth Day of *March*, which shall be in the Year of our Lord one thousand seven hundred and twenty-two, anywise trade with any Pirate, by Truck, Barter, or Exchange, or in any other Manner, or shall furnish any Pirate, Felon or Robber upon the Seas, with any Ammunition, Provision or Stores of any Kind, or shall fit out any Ship or Vessel knowingly, and with a Design to trade with, or supply or correspond with any Pirate, Felon or Robber upon the Seas, or if any Person or Persons shall anyways consult, combine, confederate or correspond with any Pirate, Felon or Robber on the Seas, knowing him to be guilty of any such Piracy, Felony or Robbery, such Offender and Offenders, and every of them, shall in each and every of the said Cases be deemed, adjudged, and taken to be guilty of Piracy, Felony, and Robbery, and he and they shall and may be inquired of, tried, heard and adjudged of and for all or any the Matters aforesaid, according to the Statute made in the twenty-eighth year of King *Henry* the Eighth, *For Pirates*, and the Statute made in the eleventh and twelfth Years of the Reign of his late Majesty King *William* the Third, intituled, *An Act for the more effectual suppressing of Piracy*, which by an Act made in the sixth Year of his present Majesty is made perpetual, and he and they, being convicted of all or any the Matters aforesaid, shall suffer such Pains of Death, Loss of Lands, Goods and Chattels, as Pirates, Felons and Robbers upon the Seas ought to suffer; and in case any Person or Persons belonging to any Ship or Vessel whatsoever, upon meeting any Merchant Ship or Vessel on the High Seas, or in any Port, Haven, or Creek whatsoever, shall forcibly board or enter into such Ship or Vessel, and though they do not seize and carry off such Ship or Vessel, shall throw overboard, or destroy any Part of the Goods or Merchandizes belonging to such Ship or Vessel, the Person or Persons who shall be Guilty thereof, shall in all Respects be deemed and punished as Pirates as aforesaid.

Commanders of Ships or others, trading with Pirates, furnishing them with Stores, corresponding with them, &c. guilty of Piracy, &c.

28 H. 8. c. 15.

11 & 12 W. 3. c. 7.

See 18 Geo. 2. c. 30.

Forcibly boarding any Merchant Ship, and throwing any Goods over-board, punished as Pirates.

II. And be it further enacted by the Authority aforesaid, That every Ship or Vessel which shall be fitted out with a Design to trade with, or supply, or correspond with any Pirate, and all and every Goods and Merchandizes put on board the same for any Intent or Purpose to trade with any Pirate, Felon, or Robber on the Seas, shall be *ipso facto* forfeited; one Moiety thereof to the Use of the King's Majesty, his Heirs and Successors, the other Moiety to the Person or Persons who shall first make Discovery, and give Information of such Intent or Design; and such Person or Persons who shall first make such Discovery, shall and may sue for and recover the said Ship or Vessel, and all and every the Goods and Merchandizes on board the same, in the High Court of Admiralty.

Ships and the Goods forfeited, half to the Crown, half to the Discoverers.

III. And whereas there are some Defects in the Laws, for bringing Persons who are Accessaries to Piracy and Robbery upon the Seas, to condign Punishment, if the Principal, who committed such Piracy and Robbery, is not or cannot be apprehended and brought to Justice; be it therefore enacted by the Authority aforesaid, That all and every Person and Persons whatsoever, who by the said Statute made in the eleventh and twelfth Years of the Reign of King *William* the Third, are declared to be Accessary or Accessaries to any Piracy or Robbery therein-mentioned, are hereby declared, and shall be deemed and taken to be principal Pirates, Felons, and Robbers, and shall and may, from and after the said twenty-fifth Day of *March*, one thousand seven hundred and twenty-two, be enquired of, heard, determined and adjudged, in the same Manner as Persons guilty of Piracy and Robbery may and ought to be inquired of, tried, heard, determined and adjudged by the said Statute made in the eleventh and twelfth Years of his late Majesty King *William*, and being thereupon attainted and convicted, shall suffer such Pains of Death, Loss of Lands, Goods and Chattels, and in like Manner as Pirates and Robbers ought by the said Act to suffer.

Accessaries to Piracy, by 11 & 12 W. 3. c. 7. shall be deemed Principals.

IV. And be it further enacted by the Authority aforesaid, That all and every Offender or Offenders convicted of any Piracy, Felony or Robbery, by Virtue of this Act, shall not be admitted to have the Benefit of Clergy, but be utterly excluded of and from the same.

Offenders convicted on this Act, excluded the Benefit of Clergy.

V. And, to the End that a further Encouragement may be given to all Seamen and Mariners to fight and defend their Ships from Pirates, be it enacted by the Authority aforesaid, That in case any Seaman or Mariner on board any Merchant Ship or Vessel, or any other Ship or Vessel, shall be maimed in Fight against any Pirate, every such Seaman and Mariner, upon due Proof of his being maimed in such Fight, shall not only have and receive the Rewards already appointed by a Statute made in the twenty-second and twenty-third Years of the Reign of King *Charles*

Seamen maimed in fight against Pirates, shall receive the Rewards in 22 & 23 Car. 2. c. 11. and be admitted into Greenwich Hospital.

Charles the Second, intituled, *An Act to prevent the delivering up of Merchant Ships, and for the Increase of good and serviceable Seamen*, but shall also be admitted into and provided for in *Greenwich Hospital*, preferable to any other Seaman or Mariner who is disabled from Service or getting a Livelihood merely by his Age.

Masters or Seamen not defending themselves against Pirates, &c. forfeit their Wages and suffer six Months Imprisonment.

VI. And be it further enacted by the Authority aforesaid, That in case any Commander, Master, or other Officer, or any Seaman or Mariner of any Merchant Ship or Vessel which carries Guns and Arms, shall not, when they are attacked by any Pirate, or by any Ship or Vessel on which any such Pirate is on Board, fight and endeavour to defend themselves, and their said Ship or Vessel, from being taken by the said Pirate, or shall utter any Words to discourage the other Mariners from defending the Ship, and by Reason thereof the said Ship or Vessel shall fall into the Hands of such Pirate; then and in every such Case, every such Commander or Master, or other Officer, and every Seaman or Mariner, who shall not fight and endeavour to defend and save the said Ship or Vessel, or who shall utter any such Words as aforesaid, shall lose and forfeit all and every Part of the Wages due to him and them respectively, to the Owner and Owners of the said Ship or Vessel, and shall not be permitted to sue for or recover the same, or any Part thereof, in any Court either of Law or Equity, and as a farther Punishment shall suffer six Months Imprisonment.

Masters shall not advance to any Seaman above half his Wages, while beyond Sea.

VII. And for Prevention of Seamen or Mariners deserting Merchant Ships or Vessels abroad in the Plantations, or in any other Parts beyond the Seas, which is the chief Occasion of their turning Pirates, and of great Detriment to Trade and Navigation, and is chiefly occasioned by the Owner or Owners of Ships or Vessels paying Wages to the Seamen or Mariners when abroad: be it enacted by the Authority aforesaid, That no Master or Owner of any Merchant Ship or Vessel shall pay or advance, or cause to be paid or advanced to any Seaman or Mariner, during the Time he shall be in Parts beyond the Seas, any Money or Effects upon Account of Wages, exceeding one Moiety of the Wages which shall be due at the Time of such Payment, until such Ship or Vessel shall return to *Great Britain* or *Ireland*, or the Plantations, or to some other of his Majesty's Dominions whereto they belong, and from whence they were first fitted out; and if any such Master or Owner of such Merchant Ship or Vessel shall pay or advance, or cause to be paid or advanced, any Wages to any Seaman or Mariner above the said Moiety, such Master or Owner shall forfeit and pay double the Money he shall so pay or advance, to be recovered in the High Court of Admiralty, by any Person who shall first discover and inform of the same.

Commander of a Man of War, who shall receive any Goods on board, except, &c. shall forfeit his Command, be incapacitated, and lose his Wages.
So much of this Clause, as directs the Punishment to be inflicted by a Court Martial on any Captain or other Officer, is repealed by 22 Geo. 2. c. 33.

VIII. And whereas great Interruptions and Inconveniencies may attend his Majesty's Service by the Captains or Commanders, or other Officers of his Majesty's Ships or Vessels of War, receiving on Board such Ships or Vessels, Goods and Merchandizes, and trading therewith contrary to Instructions, which strictly forbid their doing the same: To prevent therefore the said Interruptions and Inconveniencies for the future, be it enacted by the Authority aforesaid, That in case any Captain, Commander, or other Officer of any of his Majesty's Ships or Vessels of War, whether such Ship or Vessel shall be employed at Home or Abroad, shall from and after the twenty-ninth Day of *September*, in the Year of our Lord one thousand seven hundred and twenty-two, receive on Board, or permit to be received on Board such Ship or Vessel of War, any Goods or Merchandizes whatsoever, in order to trade or merchandize with the same, either upon his own or any other Person's Account, except Gold, Silver or Jewels, and except the Goods or Merchandizes belonging to any Merchant Ship or Vessel which may be shipwrecked, or in imminent Danger of being shipwrecked, either on the High Seas, or in any Port, Creek or Harbour, within his Majesty's Dominions at Home or Abroad, or elsewhere, in order to the preserving them for their proper Owners; and except such Goods or Merchandizes as they shall at any Time be ordered to take or receive on Board by Order of the Lord High Admiral of *Great Britain*, or the Commissioners for executing that Office for the Time being, or any three or more of them; every such Captain, Commander or Officer of any of his Majesty's Ships or Vessels of War so offending, shall, upon his being convicted thereof by a Court Martial, lose and forfeit the Command and Office he then shall have in the said Ship or Vessel of War, and shall be, and he is hereby for ever afterwards rendered uncapable to serve any longer in the same, or in any other Place or Office in the Naval Service of his Majesty, his Heirs and Successors, and such Captain, Commander or other Officer offending as aforesaid, shall, as a farther Punishment for his said Offence, lose and forfeit to his Majesty, his Heirs and Successors, all the Wages due to him for his Service in the Ship or Vessel of War whereunto he shall belong, when or at any Time after such Offence shall be committed.

Such Commander and the Proprietors of the Goods shall forfeit the Value.

IX. And be it further enacted, That the said Captain, Commander, or other Officer of the said Ship or Vessel of War, and all and every the Owners and Proprietors of such Goods or Merchandizes

Merchandizes put on Board such Ship or Vessel of War as aforesaid, shall lose, forfeit and pay the Value of all and every such Goods and Merchandizes so put on Board as aforesaid; one Moiety of such full Value to such Person or Persons as shall make the first Discovery, and give Information of or concerning the said Offence, the other Moiety of such full Value to and for the Use of *Greenwich Hospital*; all which Forfeitures shall and may be sued for and recovered in the High Court of Admiralty.

To extend to Asia, &c. To be taken as a public Act, and be in Force for seven Years, &c.

X. And be it also enacted, That this Act shall extend to all his Majesty's Dominions in *Asia*, *Africa*, and *America*, and shall be taken as a public Act, and shall continue in Force for seven Years, from the twenty-fifth Day of *March*, one thousand seven hundred and twenty-two, and from thence to the End of the then next Session of Parliament. [Made perpetual by 2 *Geo.* 2. c. 28. sect. 7.]

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9 GEORGII. Cap. XXVI.

An Act to prevent his Majesty's Subjects from subscribing or being concerned in encouraging or promoting any Subscription for an East-India *Company in the* Austrian Netherlands; *and for the better securing the lawful Trade of his Majesty's Subjects to and from the* East-Indies.

After 24 June, 1723, none of his Majesty's Subjects shall subscribe to, or be concerned in promoting an East-India Company in the Austrian Netherlands,

WHEREAS several Acts and Statutes have been heretofore made and provided by Parliament, for the securing to the United Company of Merchants of *England* trading to the *East-Indies* the sole Trade to and from the *East-Indies*, and other Places beyond the *Cape of Good Hope*, in the said Acts, some or one of them, particularly mentioned and described, to the Intent that the *British* Nation might thereby have and enjoy the full Fruits and Advantages of so beneficial a Trade; notwithstanding which Acts, and the Prohibitions, Injunctions, and Penalties contained therein, several evil-minded Persons (Subjects of his Majesty) preferring their own Lucre to the good of their Native Country, have not only in their private Capacities secretly and illegally traded to and from the *East-Indies*, and with the Pirates infesting those Seas, but have also openly, and in Defiance of the Laws of this Kingdom, under foreign Commissions, fitted out and loaded many great and defensible Ships for Voyages to the *East-Indies*, and have corrupted several *British* Sailors to serve on board such Ships for such Voyages, and of late, with design totally to elude the good and wholesome Laws made to prevent such Practices as aforesaid, have subscribed, contributed to, or promoted the raising, establishing, and carrying on a foreign Company, under a foreign Charter, for carrying on an *East-India* Trade from the *Austrian Netherlands*, taking and providing for themselves Shares and Proportions in the Stock or Capital of such Company, with design to engage others of his Majesty's Subjects, as well as themselves, to be concerned in the same Undertaking, by which perfidious and unwarrantable Practices the Trade of this Kingdom is diverted, the Revenue diminished, and the Treasure thereof exhausted: To prevent therefore such wicked Practices, and more effectually to secure the said *East-India* Trade to his Majesty's Subjects for the future, according to the Laws now in being; be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if at any Time or Times from and after the four and twentieth Day of *June*, in the Year of our Lord one thousand seven hundred and twenty-three, any Person or Persons whatsoever, Subject or Subjects of his Majesty, his Heirs or Successors, shall contribute or subscribe to, or encourage or promote the raising, establishing, or carrying on any foreign Company, Society, or Corporation, trading, trafficking, or adventuring, or hereafter to trade, traffic, or adventure, from any Part or Parts of or in the *Austrian Netherlands*, in, to or from the *East-Indies*, or Places aforesaid, or shall be interested or concerned, in his, her, or their Name or Names, or in the Name or Names of any other Person or Persons whatsoever, or otherwise howsoever, in any Part or Share of or in the Capital, principal Stock, or Actions of any such foreign Company, Society, or Corporation as aforesaid, or shall make any Payments in Money, or by Bills of Exchange, Remittances, or otherwise, to, for, or towards the raising, supporting, sustaining, encouraging, or promoting such foreign Company, Society, or Corporation, or the Trade or Traffic thereof, or shall subscribe, contribute to, encourage, or promote the raising, establishing, or carrying on any other foreign Company or Companies hereafter to be raised, formed, or erected, for trading or dealing to the *East-*

Indies, or Parts aforesaid, or shall become interested in or entitled unto any Share in the Stock or Capital of such last mentioned Company or Companies, every such Person and Persons so offending shall forfeit all his, her, and their Interest, Share, Proportion, and Concern in the Capital, principal Stock, or Actions of any such foreign Company, Society, or Corporation as aforesaid, together with treble the Value thereof; one third Part thereof to the Use of his Majesty, his Heirs and Successors, and the remaining two third Parts thereof to the Use of the said United Company, if they shall inform, sue, or prosecute for the same; or otherwise, one third Part of such two-thirds shall be to the Use of such Person or Persons as shall inform or sue for the same, such Informer or Prosecutor first taking such Directions and Consent as hereafter is mentioned for that Purpose; and the said Penalties shall and may be recovered by Action of Debt, Bill, Plaint, or Information, in any of his Majesty's Courts of Record at *Westminster*, wherein no Essoin, Wager of Law, or Protection, shall be allowed, nor any more than one Imparlance.

on Forfeiture of their Stock in such foreign Society, and treble Value.

Forfeiture how to be divided.

II. Provided nevertheless, and it is hereby further enacted and declared by the Authority aforesaid, That it shall and may be lawful to and for his Majesty's Attorney General for the Time being, of his own Authority, or at the Relation of the said United Company, and to and for the said United Company, to file or exhibit a Bill or Bills of Complaint, in his Majesty's High Court of Chancery or Court of Exchequer, against any Person or Persons who shall have subscribed, contributed to, encouraged or promoted, or any ways become interested or concerned in the raising, establishing, or carrying on any such foreign Company, Society, or Corporation as aforesaid, or the Stock, Capital, Trade, or Traffic thereof, for the Discovery of such his, her, and their Offence, remitting or waiving in every such Bill, the said Forfeiture of the treble Value of the Offender's Stock, Interest, Share, Proportion, and Concern in the principal Stock or Actions of any such foreign Company, Society, or Corporation, and insisting only on the single Value thereof, and thereupon such Person and Persons shall answer the said Bill or Bills, and not plead or demur to the Discovery thereby sought, and in such Case the single Value only of such Interest, Share, Proportion, and Concern shall be decreed to be paid by such Offender or Offenders, one third Part whereof shall be yielded and paid to his Majesty, his Heirs and Successors, and the remaining two third Parts thereof to the Use of the said United Company.

Attorney General to prosecute.

III. Provided also nevertheless, and it is hereby further enacted and declared by the Authority aforesaid, That if before any Suit or Prosecution shall be commenced for the Recovery of the Penalties aforesaid, either by his Majesty's Attorney General, or the said United Company, any common Informer or Informers shall go to the Court of Directors of the said United Company, and make known to them the Offence committed, and his or their Intentions to sue or prosecute for the same at Law, and if instead thereof the said Court of Directors shall elect to have the Suit or Prosecution brought or commenced by Bill or Bills of Complaint, to be filed or exhibited in his Majesty's said Courts of Chancery or Exchequer, then, and in every such Case, there shall be yielded and paid to such common Informer or Informers, one third Part of the remaining two-third Parts of the single Value of the said Interest and Concern, when recovered; but if the said Court of Directors shall elect to have the Suit or Prosecution commenced for the Penalties or Forfeitures by Information or Action of Debt at Law, then the said Informer or Informers shall and may accordingly sue and prosecute for the same at Law, and the said Information or Action shall be proceeded upon, and shall not be discontinued or determined, but by and with the Consent of the said United Company, or their Court of Directors.

Common Informers, how to prosecute, &c.

IV. And for the more effectual Discovery of the Interest, Share, Proportion, or Concern of any of his Majesty's Subjects, of or in the Capital, Principal, or Stock of any such foreign Company, Society, or Corporation as aforesaid, it is hereby further enacted by the Authority aforesaid, That if any Person or Persons, Subject or Subjects of his Majesty, whatsoever, shall have accepted of any Trust or Trusts, or shall know of any Interest, Share, Part, Proportion, or Concern, which any of his Majesty's Subjects shall have or be entitled to in any such foreign Company, Society, or Corporation as aforesaid, and shall not, within six Months next after his, her, or their accepting such Trust, or coming to the Knowledge of such Interest, Share, Proportion, or Concern as aforesaid, truly discover and disclose in Writing the same to the said United Company, or their Court of Directors for the Time being, every Person so offending shall forfeit treble the Value of the Interest, Share, Proportion, or Concern so accepting in Trust, or so known, and not discovered as aforesaid; one Moiety thereof to his Majesty, his Heirs and Successors, and the other Moiety thereof to him or them who shall sue for the same, to be recovered by Action of Debt, Bill, Plaint, or Information, in any of his Majesty's Courts of Record at *Westminster*, wherein no Essoin, Protection, or Wager of Law, shall be allowed, nor any more than one Imparlance; or otherwise, such Offender and Offenders shall, at the Discretion of the Court where the

Subjects accepting such Shares, &c. in Trust, not discovering in six Months, forfeit treble Value.

the Prosecution is commenced, suffer Imprisonment by the Space of one whole Year, without Bail or Mainprize.

or imprisoned for a Year.

V. And be it further enacted by the Authority aforesaid, That every Person who shall, within the Time above limited for that Purpose, voluntarily come to the Court of Directors of the said United Company, and make a true Discovery in Writing of the Interest, Share, Part, Proportion, or Concern of any of his Majesty's Subjects in the Capital, Principal, or Stock of any such foreign Company, Society, or Corporation as aforesaid, then every such Person, making such Discovery, shall have and receive, out of the Forfeitures arising or to arise upon or by Virtue of this Act, by, from, and out of the Estate or Estates of such Person and Persons so interested or concerned in any such foreign Company, Society, or Corporation as aforesaid, one Moiety or half Part of the clear Amount of such Forfeitures; and the Court, in which the Prosecution against such Offender or Offenders shall be commenced, shall have full Power and Authority, and are hereby directed to award to the Person making such Discovery, such Reward as aforesaid.

Persons within the Time limited discovering, to have Moiety of the Forfeitures.

VI. And it is hereby further enacted by the Authority aforesaid, That if any Person or Persons, Subject or Subjects of his Majesty, his Heirs or Successors (other than such as are lawfully authorized thereunto) shall at any Time or Times from and after the four and twentieth Day of *June*, in the Year of our Lord one thousand seven hundred and twenty-four, go, sail, or repair to, or be, or be found in or at the *East-Indies*, or any the Places aforesaid, every Person and Persons so offending are, and are hereby declared to be guilty of a high Crime and Misdemeanor, and shall and may be prosecuted for the same in any of his Majesty's Courts of Record at *Westminster*, wherein no Essoin, Wager of Law, or Protection, shall be allowed, nor any more than one Imparlance; and such Person and Persons so offending, being convicted thereof, shall be liable to such Corporal Punishment or Imprisonment, or to such Fine, as the Court where such Prosecution shall be commenced shall think fit; one Moiety of such Fine to be to the Use of his Majesty, his Heirs and Successors, and the other Moiety thereof to him or them that shall inform and sue for the same.

Subjects (except lawfully authorized) going to the East-Indies, guilty of a Misdemeanor.

Penalty.

VII. And it is hereby further enacted by the Authority aforesaid, That all and every Person and Persons so offending, shall and may be seized and brought to *England*; and it shall and may be lawful to and for any one or more of his Majesty's Justices of the Peace, and they are hereby authorized and required to commit all and every such Person and Persons to the next County Gaol, there to remain until sufficient Security be given by Natural-born Subjects or Denizens, to appear in the Court where such Suit or Prosecution shall be commenced or depending, to answer the same, and not to go or depart out of Court, or out of this Kingdom, without the Leave of the said Court.

Offenders may be seized,

and committed till Security, &c.

VIII. And, to the Intent that this Act, and the Laws heretofore made for encouraging, settling, and securing, or for better securing the lawful Trade of his Majesty's Subjects to and from the *East-Indies*, and Parts aforesaid, may more effectually be put in Execution; be it further enacted by the Authority aforesaid, That a *Capias* in the first Process shall and may issue upon any Bill, Plaint, Indictment, or Information, commenced, found, filed, or prosecuted, for, upon, or by Reason of any the Offences mentioned in this Act, or in any other Act or Acts made for the encouraging, settling, securing, or better securing the lawful Trade of his Majesty's Subjects to and from the *East-Indies* and Parts aforesaid, or for preventing all or any unlawful Trade thereto or therefrom; which *Capias* shall specify the Sum of the Penalty sued for; and such Offender and Offenders shall be obliged to give sufficient Bail or Security by Natural-born Subjects or Denizens, to the Person or Persons to whom such *Capias* shall be directed, to appear in the Court out of which such *Capias* shall issue at the Day or Return of such Writ, to answer such Suit or Prosecution; and shall likewise, at the Time of such appearing, give sufficient Bail or Security by such Persons as aforesaid, in the said Court, to answer and pay all the Forfeitures and Penalties incurred for such Offence and Offences, in case he, she, or they shall be convicted thereof, or to yield his, her, or their Body or Bodies to Prison.

A Capias in the first Process may issue on Bills filed for any of these Offences.

Offenders to give Bail by Natural-born Subjects.

IX. And it is hereby further enacted by the Authority aforesaid, That all and every the Offence and Offences committed or done against this Act, or against one Act made in the ninth Year of the Reign of his late Majesty King *William*, intituled, *An Act for raising a Sum not exceeding two millions, upon a Fund for Payment of Annuities, after the Rate of eight Pounds* per Centum per Annum, *and for settling the Trade to the* East-Indies; or against one other Act made in the fifth Year of the Reign of his present Majesty, intituled, *An Act for the better securing the lawful Trade of his Majesty's Subjects to and from the* East-Indies; *and for the more effectual preventing all his Majesty's Subjects trading thither under foreign Commissions;* or against one other Act

Offences against this Act, and the other Acts here enumerated, may be laid in London or Middlesex. 9 & 10 W. 3. c. 44.; 5 Geo. 1. c. 21.

7 Geo. 1. Sta. 1. c. 21. Act made in the seventh Year of the Reign of his present Majesty, intituled, *An Act for the further preventing his Majesty's Subjects from trading to the* East-Indies *under foreign Commissions; and for encouraging and further securing the lawful Trade thereto; and for further regulating the Pilots of* Dover, Deal, *and the* Isle of Thanet; shall and may, from and after the fourteenth Day of *June*, in the Year of our Lord one thousand seven hundred and twenty-three, be laid or alledged to be in the City of *London* or County of *Middlesex*, at the Pleasure of the Informer or Prosecutor.

This Act, and 5 Geo. 1. c. 21. and 7 Geo. 1. Stat. 1. c. 21. public Acts. Act 5 Geo. 1. continued for for seven Years, &c. Further continued by 20 Geo. 2. c. 47. and 20 Geo. 3. c. 19.

X. And it is hereby further enacted by the Authority aforesaid, That this Act, and also the said Acts made in the fifth and seventh Years of his present Majesty's Reign, in all and every the Clauses, Articles, and Parts thereof, shall be, and be deemed, construed, and adjudged to be public Acts, to all Intents and Purposes whatsoever: And furthermore, that the said Act made in the fifth Year of his said Majesty's Reign, shall stand, continue, and be in full Force and Virtue for seven Years, to be computed from the five and twentieth Day of *March*, one thousand seven hundred and twenty-three, and from thence to the End of the then next Session of Parliament, and no longer; any Thing therein to the contrary thereof in anywise notwithstanding.

If the Company first inform, the Part of the Forfeitures shall devolve upon them.

XI. And it is hereby further enacted by the Authority aforesaid, That in case the said United Company shall first inform, sue, or prosecute for any of the Offences committed contrary to all or any the Laws or Statutes made for encouraging, settling, or securing to the said Company the lawful Trade to and from the *East-Indies*, or for preventing any unlawful Trade thereto or therefrom, that then the Part, Share, and Proportion of the Penalties and Forfeitures otherwise given or appointed, in and by any of the said Acts, to any other Person or Persons that should sue or inform for the same, shall devolve upon, and be to the Use of the said United Company, although such Information, Suit, or Prosecution be commenced by the said Company after the Time limited by Law for the Suit, Prosecution, or Information of the common Informer is elapsed.

If Suit be commenced on the former Acts, Offenders not to be sued on this Act, except by Bill of Complaint.

XII. Provided always, That if any Suit or Prosecution shall be commenced upon or by Virtue of any the aforesaid former Act or Acts, then and in such case the Offender or Offenders shall not be sued or prosecuted upon this Act, or any Branch or Article thereof, except such Suit or Prosecution be by Bill or Bills of Complaint in the said Courts of Chancery or Exchequer.

12 GEORGII. Cap. XXXII.

An Act for better securing the Monies and Effects of the Suitors of the Court of Chancery; and to prevent the counterfeiting of East-India *Bonds, and Indorsements thereon; as likewise Indorsements on* South-Sea *Bonds.*

[So much thereof as relates to the *East-India Company*.]

Forging the Hand of the Accountant to a Certificate to receive Suitor's Effects in the Bank,

IX. AND be it likewise further enacted by the Authority aforesaid, That if any Person or Persons shall, from and after the first Day of *May*, in the Year of our Lord one thousand seven hundred and twenty-six, forge or counterfeit, or procure to be forged or counterfeited, or willingly act or assist in the forging or counterfeiting the Name or Hand of the said Accountant General, the said Register, the said Clerk of the Report-Office, or any of the Cashiers of the said Governor and Company of the Band of *England*, to any Certificate, Report, Entry, Indorsement, Declaration of Trust, Note, Direction, Authority, Instrument, or Writing whatsoever, for or in order to the receiving or obtaining any the Money or Effects of any of the Suitors of the said Court of Chancery, or shall forge or counterfeit, or procure to be forged or counterfeited, or wilfully act or assist in forging or counterfeiting any Certificate, Report, Entry, Indorsement, Declaration of Trust, Note, Direction, Authority, Instrument, or Writing in Form of a Certificate, Report, Entry, Indorsement, Declaration of Trust, Note, Direction, Authority, Instrument, or Writing, made by such Accountant General, Register, Clerk of the Report-Office, or any of the Cashiers of the said Governor and Company of the Bank of *England*, or any Bond or Obligation under the common Seal of the United Company of Merchants of *England* trading to the *East-Indies*, or any Indorsement or Assignment thereon, or on any Bond or Obligation under the common Seal of the Governor and Company of Merchants of *Great-Britain* trading to the *South-Seas* and other Parts of *America*, and for encouraging the Fishery; or shall utter or publish any such,

or any East-India or South-Sea Bond, is Felony without Clergy.

such, knowing the same to be forged or counterfeited, with Intention to defraud any Person whatsoever; then every such Person and Persons so offending (being thereof lawfully convicted) shall be and is hereby declared and adjudged to be guilty of Felony, and shall suffer Death as in case of Felony, without Benefit of Clergy.

Anno secundo

GEORGII II. Regis.

CAP. XXV.

An Act for the more effectual preventing, and further Punishment of Forgery, Perjury, and Subornation of Perjury; and to make it Felony to steal Bonds, Notes, or other Securities for Payment of Money.

Preamble.

WHEREAS the wicked, pernicious, and abominable Crimes of Forgery, Perjury, and Subornation of Perjury, have of late Time been so much practised, to the Subversion of common Truth and Justice, and Prejudice of Trade and Credit; that it is necessary, for the more effectual preventing of such enormous Offences, to inflict a more exemplary Punishment on such Offenders, than by the Laws of this Realm can now be done: be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person, from and after the twenty-ninth Day of *June*, in the Year of our Lord one thousand seven hundred and twenty-nine, shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or willingly act or assist in the false making, forging, or counterfeiting any Deed, Will, Testament, Bond, Writing Obligatory, Bill of Exchange, Promissory Note for Payment of Money, Indorsement or Assignment of any Bill of Exchange, or Promissory Note for Payment of Money, or any Acquittance or Receipt, either for Money or Goods, with Intention to defraud any Person whatsoever; or shall utter, or publish as true, any false, forged, or counterfeited Deed, Will, Testament, Bond, Writing Obligatory, Bill of Exchange, Promissory Note for Payment of Money, Indorsement or Assignment of any Bill of Exchange or Promissory Note for Payment of Money, Acquittance, or Receipt, either for Money or Goods, with Intention to defraud any Person, knowing the same to be false, forged, or counterfeited; then every such Person, being thereof lawfully convicted according to the due Course of Law, shall be deemed guilty of Felony, and suffer Death as a Felon, without Benefit of Clergy.

To forge any Deed, &c. Felony without Benefit of Clergy.

II. And, the more effectually to deter Persons from committing wilful and corrupt Perjury, or Subornation of Perjury; be it further enacted by the Authority aforesaid, That, besides the Punishment already to be inflicted by Law for so great Crimes, it shall and may be lawful for the Court, or Judge, before whom any Person shall be convicted of wilful and corrupt Perjury, or Subornation of Perjury, according to the Laws now in being, to order such Person to be sent to some House of Correction within the same County, for a Time not exceeding seven Years, there to be kept to hard Labour during all the said Time, or otherwise, to be transported to some of his Majesty's Plantations beyond the Seas, for a Term not exceeding seven Years, as the Court shall think most proper; and thereupon Judgment shall be given, that the Person convicted shall be committed or transported accordingly, over and beside such Punishment as shall be adjudged to be inflicted on such Person, agreeable to the Laws now in being; and if Transportation be directed, the same shall be executed in such Manner as is or shall be provided by Law for the Transportation of Felons; and if any Person so committed or transported shall voluntarily escape, or break Prison, or return from Transportation, before the Expiration of the Time for which he shall be ordered to be transported, as aforesaid; such Person being thereof lawfully convicted, shall suffer Death as a Felon, without Benefit of Clergy, and shall be tried for such Felony in the County where he so escaped, or where he shall be apprehended.

Penalty for Perjury and Subornation.

III. And be it further enacted by the Authority aforesaid, That if any Person or Persons, after the said twenty-ninth Day of *June*, shall steal or take by Robbery any Exchequer Orders or

To steal Orders, Tallies, &c. Felony.

Tallies, or other Orders, entitling any other Person or Persons to any Annuity or Share in any Parliamentary Fund, or any Exchequer Bills, Bank Notes, *South-Sea* Bonds, *East-India* Bonds, Dividend Warrants of the Bank, *South-Sea* Company, *East-India* Company, or any other Company, Society, or Corporation, Bills of Exchange, Navy Bills, or Debentures, Goldsmith's Notes for Payment of Money, or other Bonds, or Warrants, Bills, or Promissory Notes for the Payment of any Money, being the Property of any other Person or Persons, or of any Corporation, notwithstanding any of the said Particulars are termed in Law a *chose* in Action, it shall be deemed and construed to be Felony, of the same Nature, and in the same Degree, and with or without the Benefit of Clergy, in the same Manner as it would have been if the Offender had stolen, or taken by Robbery, any other Goods of like Value with the Money due on such Orders, Tallies, Bills, Bonds, Warrants, Debentures, or Notes, or secured thereby, and remaining unsatisfied; and such Offender shall suffer such Punishment as he or she should or might have done, if he or she had stolen other Goods of the like Value with the Monies due on such Orders, Tallies, Bonds, Bills, Warrants, Debentures, or Notes respectively, or secured thereby, and remaining unsatisfied; any Law to the contrary thereof in anywise used notwithstanding.

Not to extend to Scotland.

IV. Provided, That nothing in this Act contained shall extend, or be construed to extend, to that Part of *Great Britain* called *Scotland*.

Attainder not to corrupt Blood, &c.

V. Provided always, and it is hereby further enacted by the Authority aforesaid, That no Attainder for any Offence hereby made Felony, shall make or work any Corruption of Blood, Loss of Dower, or Disherison of Heirs.

Continuance of the Act. Made perpetual 9 G. 2. c. 18. and extended to other Cases by 31 G. 2. c. 22.

VI. And be it enacted by the Authority aforesaid, That this Act shall continue and be of Force for the Space of five Years, to be reckoned from the said twenty-ninth Day of *June*, in the Year of our Lord one thousand seven hundred, and twenty-nine, and from thence to the End of the then next Session of Parliament, and no longer.

3 GEORGII II. Cap. XIV.

An Act for reducing the Annuity or Fund of the United East-India *Company, and for ascertaining their Right of Trade to the* East-Indies, *and the Continuance of their Corporation for that Purpose, upon the Terms therein-mentioned.*

A recital of the Acts and Charters relating to the East-India Company. 9 W. 2. c. 44.

WHEREAS in and by an Act made in the ninth Year of the Reign of our late Sovereign Lord King *William* the Third, of glorious Memory, intituled, *An Act for raising a Sum not exceeding two millions, upon a Fund for Payment of Annuities, after the Rate of eight Pounds* per Centum per Annum; *and for settling the Trade to the* East-Indies, it is amongst other Things enacted, That all the Monies arising by the several Duties upon Salt, and Rock-Salt, and upon stamped Vellum, Parchment, and Paper, in the said Act mentioned, should be paid into the Receipt of the Exchequer every Year, reckoning the first Year to begin from the twenty-ninth Day of *September*, one thousand six hundred and ninety-eight, and that one hundred and sixty thousand Pounds *per Annum*, of the Monies to arise by the said several Duties, and to be brought into the Exchequer by weekly or other Payments, should be the yearly Fund for and towards the answering and paying off certain Annuities of eight Pounds *per Centum per Annum*, to such Persons or Corporations, as should subscribe and pay in their Monies upon the Terms of the said Act; and it is thereby further enacted, That it should be lawful for his Majesty, by Commission under the Great Seal of *England*, to authorize and appoint any Number of Persons to take and receive all such voluntary Subscriptions for or towards the said Sum of two millions, to be so paid as in the said Act is mentioned; in and by which Act it was further enacted, That such Subscribers as aforesaid should respectfully receive and enjoy for ever, out of the Fund by the said Act settled, one Annuity for the whole Sum by them subscribed, according to the Rate of eight Pounds *per Centum per Annum*, in the Manner thereby prescribed; and it is thereby further enacted, That it should and might be lawful to and for his said late Majesty, by his Letters Patents, to incorporate all and every such the said Subscribers, upon whose Subscriptions such Payments should be made as is therein expressed, and all Persons, Bodies politic and corporate, deriving Title from or under them, so long as they respectively should have any such Share or Interest in the said yearly Fund, to be one Body politic and corporate, by the name of *The General*

General Society intitled to the Advantages given by an Act of Parliament for advancing a Sum not exceeding two millions, for the Service of the Crown of England, with such Succession, Capacity and Powers, as in the said Act is mentioned, and in such Charters or Letters Patent, such further Rules, Powers, and Clauses for carrying on the Trade, and pursuing the Ends and Intent of the said Act, were to be inserted, as should be lawfully and reasonably desired in that Behalf; and it was thereby enacted, That in case the said whole Sum of two millions, or one Moiety, or any greater Part of the said Sum of two millions, should be subscribed as aforesaid, on or before the said twenty-ninth Day of *September*, one thousand six hundred and ninety-eight, that then and from thenceforth all and every the said Subscribers, and all and every Person and Persons, Bodies politic and corporate, deriving Title, by, from, or under such Subscribers, so long as they respectively should continue to have any Share or Interest in the said yearly Fund, and all and every Person and Persons licensed by them, should, or lawfully might, forever thereafter, by themselves severally, or by such Factors, Agents, or Servants, as they severally should think fit to intrust, freely traffic and use the Trade of Merchandize in, to, and from the *East-Indies*, and other Parts or Limits in the said Act mentioned, in such Manner, and by such Proportions, and subject to such Restrictions, as in the said Act are expressed; and it was further thereby enacted, That if any Corporations, or other Persons having particular Shares or Interests in the said principal Stock of the said General Society, should be desirous to unite and join together such their several Shares and Interests, and to be incorporated, so as they might be able to manage their Trade (in Proportion to their Interests) as a Company, and by a joint Stock, then it should and might be lawful for his said late Majesty, by his Letters Patents, to incorporate all such Persons and Corporations, by such proper Names as he should think fit, to be one Company, with Power to manage and carry on their Trade to the *East-Indies*, and other the Limits in the said Act mentioned, by a joint Stock, and to have perpetual Succession, and a common Seal, with other Privileges in the said Act mentioned; and it is thereby further enacted, That such Persons or Corporations as should, in Pursuance of that Act, have a Right and Power to trade to the *East-Indies*, and other the Parts aforesaid, according to such Provisions, Proportions, and Restrictions, as in the said Act are contained, should use and enjoy the whole and sole Trade and Traffic, and the only Liberty, Use, and Privilege of trading, trafficking, and exercising the Trade or Business of Merchandize to and from the *East-Indies*, and to and from the several Places in the said Act mentioned; and that the same should not be visited, frequented, or haunted, by any of the Subjects of his Majesty, his Heirs, and Successors, under the Penalties and Forfeitures in the said Act prescribed and enacted; subject nevertheless to a Condition or Proviso therein contained, that upon three Years' Notice, after the twenty-ninth Day of *September*, one thousand seven hundred and eleven, and Repayment of the said Sum of two millions, and all Arrears of the said Annuities or yearly Payments, then, and from thenceforth, the said Duties, and the yearly Fund charged thereupon, and the Duty of five Pounds *per Centum*, for the imported Goods, and the Corporations to be erected in Pursuance of the said Act, and the Benefit of Trade thereby given, should cease and determine: And whereas, in Pursuance of the said Act, his said late Majesty, by a Commission under the Great Seal of *England*, bearing Date at *Wesminster* the fourteenth Day of *July*, in the tenth Year of his Reign, did authorize several Persons therein named to be Commissioners, with Power to take Subscriptions for or towards the raising and paying the said Sum of two millions: And whereas it appeared by Duplicates transmitted into the Office of the Auditor of the Receipt of his said late Majesty's Exchequer, that several Sums, amounting in the Whole to the said Sum of two millions of Pounds sterling, were subscribed pursuant to the said Act, and the said whole Sum of two millions was entirely answered to his Majesty's Use: And whereas, by a Charter under the Great Seal of *England*, bearing Date at *Westminster* the third Day of *September*, in the tenth Year of his said late Majesty's Reign, his Majesty created and established the said Corporation, or Body politic, called *The General Society entitled to the Advantages given by an Act of Parliament, for advancing a Sum not exceeding two millions, for the Service of the Crown of* England, with such Powers, Privileges, and Benefits as are therein expressed: And whereas, by by Letters Patents under the Great Seal of *England*, bearing Date at *Westminster* the fifth Day of *September*, in the said tenth Year of his said late Majesty's Reign, reciting, that the Subscribers towards the said Sum of two millions therein particularly named and expressed, were desirous to unite or join together their several Shares and Interest in the principal Stock of the said General Society, and to be incorporated so as they might be able to manage their Trade in Proportion to their Interest as a Company, and by a joint Stock, his said late Majesty did grant that the Subscribers therein particularly named, and every of them, and all and every Person and Persons, Bodies politic and corporate, who as Executors, Administrators, Successors, or Assigns, or by any other lawful Title, derived by, from, or under the said Subscribers, should have or be entitled

Recital of Commission to take Subscriptions, and of Payment of the whole Loan of two millions.

Recital of the Charter to General Society of 3 Sept. 10. Geo. 1.

The like of Charter of 5 Sept. 10 Geo. 1. of the English Company trading to the East-Indies.

entitled to any Part, Share or Interest of or in the said yearly Fund settled by the said Act, or of or in the proportionable Annuity or yearly Payments issuing out of the said yearly Fund, so long as they sould respectively have any Part, Share, or Interest therein, should be one Body politic and corporate, by the Name of *The* English *Company trading to the* East-Indies, with such Benefit of Trade, Powers, Privileges, and Advantages, and subject to such Restrictions, Conditions, Covenants and Agreements, and to such Proviso of Redemption as are therein referred or expressed: And whereas, in and by one other Act made in the sixth Year of the Reign of her late Majesty Queen *Ann, for assuring to the* English *Company trading to the* East-Indies, *on Account of the united Stock, a longer Time in the Fund and Trade therein mentioned; and for raising thereby the Sum of one million two hundred thousand Pounds, for carrying on the War, and other her Majesty's Occasions*; it was enacted, That upon Payment to her Majesty of the Sum of one million two hundred thousand Pounds, at the Times, and upon the Terms in the said Act mentioned, they the said *English* Company trading to the *East-Indies*, should have such further Time and Interest in the said Fund and Trade to the *East-Indies*, as in the last mentioned Act is particularly set forth, but subject to the Proviso or Condition of Redemption in the said last mentioned Act, and therein set forth; that is to say, it was thereby declared and enacted, That at any Time, upon three Years' Notice, after the twenty-fifth Day of *March*, which should be in the Year of our Lord one thousand seven hundred and twenty-six, upon the Expiration of the said three Years, and upon Repayment by Parliament, as well of the said Sum of two millions then before advanced, as of the said Sum of one million two hundred thousand Pounds then to be advanced, and since advanced and paid accordingly, making in the Whole three millions two hundred thousand Pounds, and of all Arrears, which at the End of the said three Years, should be due for and upon the said Fund of one hundred and sixty thousand Pounds, then and from thenceforth, as well the said Duties upon Salt, as the said Duties upon stamped Vellum, Parchment and Paper, and all the said yearly Fund of one hundred and sixty thousand Pounds, and all the Corporations erected in Pursuance of the said Acts, and the Benefit of Trade granted by them, or by any Charters made in Pursuance thereof, or by that Act should absolutely cease and determine: And whereas, by Virtue of the said last mentioned Act, and of an Award made, in Pursuance thereof, by the Right Honourable *Sidney* Earl of *Godolphin*, an Union between the Governor aed Company of Merchants of *London* trading into the *East-Indies*, and the said *English* Company trading to the *East-Indies*, was compleated, and the said Name and Style of the said *English* Company trading to the *East-Indies*, was thereupon changed into the Name of *The United Company of Merchants of* England *trading to the* East-Indies, as was also directed by the said Act: And whereas, in and by one Act made in the tenth Year of the Reign of her said late Majesty Queen *Ann, for continuing the Trade and Corporation-Capacity of the United* East India *Company, although their Fund should be redeemed*, it was enacted, That the last mentioned Proviso for Redemption and Determination of the said several Duties, yearly Fund Annuities, Corporations, and Benefit of Trade, should be, and was thereby repealed and made void; and that the said Duties upon Salt, and the said Duties upon stamped Vellum, Parchment and Paper, and the Duty of five Pounds in the hundred, charged by the said Acts upon Goods imported from the *East-Indies*, should continue, and the said United Company of Merchants of *England* trading to the *East-Indies*, and their Successors, should have and enjoy the said yearly Sum of one hundred and sixty thousand Pounds *per Annum*, or such Part thereof as they then were or thereafter should be entitled unto, and all the Benefit of Trade, Franchises, Privileges, Profits, and Advantages whatsoever, in respect thereof given and granted, or intended to be given or granted unto them by the said Act of the ninth Year of his said late Majesty's Reign, or by the said Charter of the fifth day of *September*, in the tenth Year of his said late Majesty's Reign, or by the said Act of the sixth Year of the Reign of her then Majesty, or by any of them, freed and discharged of and from the said former Proviso or Condition of Redemption contained in the said therein last-recited Act, and all other Provisoes, Powers, Acts, Matters, or Things, thentofore had, made, done, or committed, for redeeming, determining, or making void the same Duties, yearly Fund, Benefit of Trade, Franchise, Privilege, Profits, and Advantages, or any of them, subject nevertheless to the Restrictions, Covenants, and Agreements in the said therein recited Acts, and Letters Patents, or any of them, contained, and subject to the general Provisoes or Condition of Redemption therein-after contained; in which said Act there is afterwards contained a Proviso in the Words or to the Effect following; that is to say, 'Provided always, and it is hereby declared and enacted by the Authority aforesaid, That at any Time, 'upon three Years' Notice, after the twenty-fifth Day of *March*, which shallbe int he Year of our 'Lord one thousand seven hundred and thirty-three, and upon Repayment by Parliament as well of 'the said Sum of two millions, as of the said Sum of one million two hundred thousand Pounds, 'making in the Whole three millions two hundred thousand Pounds, unto such Companies, Corporations,

Recital of Act of 6 Ann. c. 17.

The Company first called The United Company, &c.

10 Ann. c. 28.

'porations, and Persons, as shall be then entitled thereto, and of all Arrears which, to the End 'of the said three Years, shall be due for or upon the said yearly Fund of one hundred and sixty 'thousand Pounds *per Annum*; then and from thenceforth the said Duties upon Salt, and the said 'Duties upon stamped Vellum, Parchment, and Paper, and the said yearly Fund of one hundred 'and sixty thousand Pounds, shall absolutely cease and determine.' And whereas one other Act of Parliament was made in the fifth Year of the Reign of his late Majesty King *George* the First, *for the better securing the lawful Trade of his Majesty's Subjects to and from the* East-Indies, *and for the more effectual preventing all his Majesty's Subjects trading thither under foreign Commissions*: And whereas one other Act was made in the seventh Year of the Reign of his said late Majesty King *George* the First, amongst other Things, for the further preventing his Majesty's Subjects from trading to the *East-Indies* under foreign Commissions, and for encouraging and further securing the lawful Trade thereto: And whereas one other Act was also made in the ninth Year of the Reign of his said late Majesty King *George* the First, *to prevent his Majesty's Subjects from subscribing, or being concerned in encouraging or promoting any Subscription for an* East-India *Company in the* Austrian Netherlands, *and for the better securing the lawful Trade of his Majesty's Subjects to and from the* East-Indies, as by the said several Acts of Parliament, Commission, and Charters, Relation being thereunto had, may more fully appear: and whereas the said United Company of Merchants of *England* trading to the *East-Indies*, are legally possessed of, and entitled to the said principal or capital Stock of three millions two hundred thousand Pounds, and to the said yearly Fund of one hundred and sixty thousand Pounds, redeemable as aforesaid, and are also possessed of, and intitled to, an additional Stock in Trade, and several Forts, Factories, Settlements, Possessions, Estates, and Hereditaments, for the Benefit of, or in trust for, the Members of the said United Company of Merchants of *England* trading to the *East-Indies*, in Proportion, and according to their respective Parts, Shares, and Interest, in the said yearly Fund, and in the said principal Stock of three millions two hundred thousand Pounds: And whereas the said United Company of Merchants of *England* trading to *East-Indies*, by Virtue of the said Acts of Parliament, and Charters, some or one of them claims to be a Body politic and corporate, and to have perpetual Succession, and claims also the whole and sole Trade, exclusive of all others, in, to, and from the *East-Indies*, and Limits aforesaid, forever: But nevertheless the said United Company, being willing that all Doubts touching the Continuances of their Corporation, and of their Right to the whole and sole Trade within the Limits aforesaid for ever, after the Redemption of the said yearly Fund, should be removed, were and are contented, and accordingly have consented and agreed, to subject their Right or Claim to the said whole, sole, and exclusive Trade, to be redeemable or determinable by Parliament, in Manner herein-after mentioned; and have consented and agreed that their present Annuity or yearly Fund of one hundred and sixty thousand Pounds, payable in respect of their said capital Stock, or Debt of three millions two hundred thousand Pounds from the Public, be, from and after the twenty-ninth Day of *September*, one thousand seven hundred and thirty, reduced to an Annuity or yearly Fund of one hundred twenty-eight thousand Pounds, redeemable by Parliament on one Year's Notice to be given after the twenty-fifth Day of *March*, one thousand seven hundred and thirty-six, on Payment to them of their said whole capital Debt, with all Arrears in respect thereof, in Manner hereafter-mentioned; and were and are moreover willing, and have consented and agreed to pay into his Majesty's Exchequer, on or before the twenty-fourth Day of *December*, one thousand seven hundred and thirty, the full Sum of two hundred thousand Pounds, without any Interest or Addition to their said capital Stock or Debt for the same, to be applied as hereafter mentioned, but upon such Terms, Conditions, Grants, Confirmations, Articles, and Provisions nevertheless, as herein-after are made, granted, provided, declared, and enacted: Now, for the preventing, quieting, and determining any Doubts, Disputes, or Difficulties that have been, or may be raised concerning the Right or Claim of the United Company of Merchants of *England* trading to the *East-Indies*, to the whole and sole Trade to the *East-Indies*, exclusive of all others, and for perfecting and compleating the several Matters and Things so as aforesaid consented to by the said Company, and to the End the said Company may be able to support and carry on the Trade to the *East-Indies*, with Credit and Security, and improve the same for the Benefit of this Nation, we your Majesty's most dutiful and loyal Subjects, the Commons of *Great-Britain* in Parliament assembled, do most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said United Company, in Pursuance of their before-recited Agreement, shall, and they are hereby required and enjoined to pay into the Receipt of his Majesty's Exchequer, on or before the twenty-fourth Day of *December*, one thousand seven hundred and thirty, the full and entire Sum of two hundred thousand Pounds of lawful Money of *Great-Britain*, to be

Act 5 Geo. I. c. 21.

Act 7 Geo. I. c. 21.

Act 9 Geo. I. c. 26.

Company's capital Stock 3,200000l.

Agreement to give the Public 200,000l. on certain Conditions.

United Company to pay 2,000,000l. into the Exchequer by 24 Dec. 1730.

applied towards the Supplies granted to his Majesty for the Service of the Year one thousand seven hundred and thirty, for which no Interest shall be ever payable, nor shall any Addition be made to their capital Stock or Debt from the Public on Account of the same, nor shall the same, or any Part thereof, be repayable to the said United Company.

On Failure of Payment may be sued.

II. And be it further enacted by the Authority aforesaid, That in case the said United Company shall make Failure in Payment of the said Sum of two hundred thousand Pounds, or any Part thereof, at the Time before appointed for Payment thereof, then the Money, whereof such Failure in Payment shall be made, shall and may be recovered in his Majesty's Name, for the Uses and Purposes aforesaid, by Action of Debt, or upon the Case, Bill, Suit or Information, in any of his Majesty's Courts of Record at *Westminster*, wherein no Essoin, Protection, Wager of Law, or more than one Imparlance, shall be granted or allowed; in which Action, Bill, Suit, or Information, it shall be lawful to declare, that the said United Company of Merchants of *England* trading to the *East-Indies*, are indebted to his Majesty the Monies whereof they shall have made default in Payment, according to the Form of this Statute, and have not paid the same, which shall be sufficient; and in or upon such Action, Bill, Suit or Information, there shall be further recovered to his Majesty's Use, against the said United Company, Damages after the Rate of eight Pounds *per Centum per Annum*, for the Monies so unpaid contrary to this Act, besides full Costs of Suit; and the said United Company, and their capital Stock or Fund, shall be and are hereby made subject and liable thereto.

On Advance of the Money a Discount to be allowed of 3 l. per Cent.

III. Provided always, That in case the Commissioners of his Majesty's Treasury now, or for the Time being, or any three or more of them, or the Lord High Treasurer for the Time being, shall judge it convenient for his Majesty's Service, that all, or any Part of the said Sum of two hundred thousand Pounds, so as aforesaid appointed to be paid by the said United Company, should be paid in Advance by them on any Day or Days before or sooner than the said twenty-fourth Day of *December*, one thousand seven hundred and thirty, before appointed for Payment thereof, and the said United Company shall voluntarily consent to pay the same in Advance accordingly, then, and in every such Case, the said Commissioners of the Treasury, or the Lord High Treasurer, may and have hereby power to allow to the same United Company, out of every such Payment in Advance, a Rebate or Discount after a Rate not exceeding three Pounds *per Centum per Annum*, upon the Monies so paid in Advance, from the respective Day or Days of such Payment to the Day on which the same is herein-before appointed to be paid as aforesaid.

After 29 Sept. 1730, the yearly Fund of 160, 000l. reduced to 128, 000l.

IV. And be it further enacted, That from and after the twenty-ninth Day of *September*, which shall be in the Year of our Lord one thousand seven hundred and thirty, and not before, the said Annuity, or yearly Fund of one hundred and sixty thousand Pounds shall be, and is hereby reduced to an Annuity, or yearly Fund of one hundred and twenty-eight thousand Pounds, in respect of the said capital Stock or Debt of three millions two hundred thousand Pounds; which said reduced Annuity, or yearly Fund, shall be and remain charged upon, and shall be paid and payable, from Time to Time, out of the same Duties and Revenues, in the same Manner, and by the like weekly or quarterly Payments, and with the same Provisions for making good any Deficiencies, from Time to Time, in the said reduced Fund, as their present Annuity or Fund is now charged on, or provided for to be paid, until some new or other Provision shall be made by Parliament, with Consent of the said United Company for the same.

On one year's Notice after 25 March, 1736 and Repayment, etc. Annuity to cease.

V. Provided always and be it enacted by the Authority aforesaid, That at any Time, upon one Year's Notice to be given by Parliament after the twenty-fifth Day of *March*, which shall be in the Year of our Lord one thousand seven hundred and thirty-six, upon the Expiration of the said Year and upon Repayment by Parliament of the said whole capital Stock, or Debt of three millions two hundred thousand Pounds, unto the said United Company, and of all Arrears of their said reduced Annuity, or yearly Fund of one hundred and twenty-eight thousand Pounds, which shall be due at the End of the said Year; then and from thenceforth their said Annuity or yearly Fund shall cease, determine, and be no longer paid or payable to them.

On one Year's Notice after 25 March, 1736, on Repayment of any Sum not less than 500,000l. so much of the Annuity to cease.

VI. And in Regard it is intended, that at any Time or Times after the twenty-fifth Day of *March*, one thousand seven hundred and thirty-six, the said capital Stock, or Debt of three millions two hundred thousand Pounds, may be paid off to the said United Company, by any Payments not being less than five hundred thousand Pounds at a Time, and that, as the said lesser Payments shall be made, the said reduced Annuity, or yearly Fund of one hundred and twenty-eight thousand Pounds, payable to the said Company, shall proportionally sink, and be abated, be it enacted by the Authority aforesaid, That at any Time or Times, upon one Year's Notice after the twenty-fifth Day of *March*, one thousand seven hundred and thirty-six, to be given by Parliament, upon the Expiration of the said Year, on Repayment by Parliament, to the said United

United Company, of any Sum of Money not being less than five hundred thousand Pounds, in Part of the said capital Stock or Debt, of three millions two hundred thousand Pounds, and upon Payment of all Arrears which shall then be due on their said reduced Annuity or yearly Fund, or upon any Part thereof, then from and after such Payments so much of the said Annuity, as shall bear Proportion to the Monies so paid in Part, shall cease, determine, and be abated, and so on from Time to Time on such yearly Notices to be given by Parliament, and Payment from Time to Time of such other Sums, in Part of the said capital Stock or Debt, not less than five hundred thousand Pounds at a Time, and of such Arrears of their then Annuity or yearly Fund, until the Payment of the Whole shall be compleated, so much of their said Annuity or Fund, as shall bear Proportion to such respective Sums paid in Part, shall from Time to Time, as such Payments are made, sink and be abated, until their whole Annuity or yearly Fund shall be entirely sunk and determined.

After Redemption, Members of the Company to continue a Body politic, &c.

VII. But nevertheless, and notwithstanding such Redemption, be it further enacted by the Authority aforesaid, That all and every Person and Persons, who now are, or shall at the Time of such Redemption be entitled unto, or who now have, or shall have any Part, Share, or Interest of, in, or to the said three million two hundred thousand Pounds, or of, in, or to a proportionable Part, Share or Interest in the said additional Stock, Stock in Trade, or Money paid for carrying on the same, or in the said Forts, Factories, Settlements, Lands, Tenements, Rights, Hereditaments, Possessions, Estate or Estates, of or belonging to the said United Company of Merchants of *England* trading to the *East-Indies*, or unto which they are, shall, or may be entitled; and all and every Person and Persons, Bodies politic and corporate, who, as Executors, Administrators, Successors or Assigns, or by any other lawful Way or Title derived, or to be derived, from, by, or under them, shall have, or be entitled to have, any Part, Share, or Interest, of, in or to the same, or of, in, or to any future or other additional Stock, Stock in Trade, Monies, Possessions, Rights, Hereditaments, or Estates, of or belonging to, or that shall or may be acquired, gained or obtained by the said United Company, or their Successors, so long as they shall respectively have, or be entitled to have, any such Share, Part or Interest, shall be, and continue to be, a Body politic and corporate, in Deed and in Name, by the Name of *The United Company of Merchants of* England *trading to the* East-Indies, and by that Name shall have perpetual Succession, and a common Seal; and they and their Successors, by the Name aforesaid, shall be able and capable in the Law to have, purchase, receive, enjoy, possess and retain to them and their Successors, Lands, Rents, Tenements and Hereditaments, of what Kind, Nature, or Quality soever, and also to sell, grant, demise, aliene, or dispose of the same; and by the said Name to sue and implead, be sued and impleaded, answer and be answered, in all or any Courts of Record, or any other Place whatsoever, and to do and execute all and singular other Matters and Things, by the Name aforesaid, that to them shall or may appertain to do, and shall have, hold and enjoy all Benefits, Privileges, Franchises, and Rights, which by any former Act or Acts, or any Charter or Charters founded thereupon, the said United Company of Merchants of *England* trading to the *East-Indies*, might hold and enjoy, which are not herein or hereby altered or varied; and all and every Person and Persons, having at the Time of such Redemption of the said yearly Fund of one hundred and twenty-eight thousand Pounds, any Part, Share, or Interest, of, in, or to the said principal Stock of three millions two hundred thousand Pounds, and of, in, or to the said additional Stock, Stock in Trade, and Monies paid in for carrying on the same, and of, in, and to other the Possessions, Rights, Estates, and Hereditaments aforesaid, acquired or purchased by, or any Ways belonging or appertaining to the said United Company of Merchants of *England* trading to the *East-Indies*; and all Persons, Bodies politic and corporate, that shall or may at any Time after derive from them any Right or Title to such Monies paid in, Stocks, Possessions, Right, Hereditaments and Estates, notwithstanding such Redemption, shall have, and continue to have, and be entitled unto the same, and unto all future and other the Stocks, Monies, Possessions, Rights, Hereditaments, and Estates, to be acquired, gained, belonging, or to belong to the said United Company, and their Successors, and to all Benefits, Profits, Privileges, and Advantages, arising or to arise therefrom, in Proportion to their respective Parts, Shares, and Interests therein; and the said Parts, Shares, and Interests of such Persons, of and in the same, shall and may be assigned and assignable, transferred and transferable, in such or the like Manner, *mutatis mutandis*, as their respective Parts, Shares or Interests of and in the said principal Stock of three millions two hundred thousand Pounds, and the additional Stock thereto, or either of them, are now assignable or transferable, or may be assigned or transferred.

and to declare Qualifications of Electors.

VIII. And it is hereby further enacted by the Authority aforesaid, That from and after such Redemption of the said yearly Fund, or after one Moiety thereof, or more, shall be redeemed and

discharged by Parliament, the said United Company of Merchants of *England* trading to the *East-Indies*, may from Time to Time, by By-Laws, or Orders to be made in their General Court, or General Courts, declare and direct how much, and what Part or Share in the then remaining capital Stock or yearly Fund, or in the said additional Stock, and Stock in Trade, Possessions, Hereditaments, and Estates aforesaid, shall qualify any Persons, Members of the said United Company of Merchants of *England* trading to the *East-Indies*, to be Directors for the Affairs of the said Company, and what Part or Share thereof shall qualify any Persons, Members of the said United Company of Merchants of *England* trading to the *East-Indies*, to give any Vote or Votes in any General Court, or General Courts, and for the electing the Directors, and for their Continuance or Removal, Incapacity, or Avoidance.

Company to have the sole Trade to the East-Indies for a limited Time.

Extended by 17 Geo. 2. c. 17. 21 Geo. 3. c. 65.

IX. And it is hereby further enacted, by the Authority aforesaid, That notwithsanding such Redemption of the said yearly Fund of one hundred and twenty-eight thousand Pounds, as aforesaid, the said United Company of Merchants of *England* trading to the *East-Indies* shall, subject to the Proviso of Determination herein-after contained in that Behalf, have, use, and enjoy, and shall continue to have, use, and enjoy the whole and sole Trade and Traffic, and the only Liberty, Use, and Privilege of trading, trafficking, and exercising the Trade or Business of Merchandize, in, to, and from the *East-Indies*, and in, to, and from all the Islands, Ports, Havens, Coasts, Cities, Towns, and Places between the Cape of *Good Hope* and Streights of *Magellan*, and Limits in the said Act of the ninth Year of the Reign of his said late Majesty King *William* the Third, or in the said Charter of the fifth Day of *September*, in the tenth Year of his said Majesty's Reign, mentioned, in as ample and beneficial Manner, as the said Company could thereby trade thereto; and the said *East-Indies*, or the Islands, Havens, Coasts, Ports, Cities, Towns and Places within the Limits aforesaid, or any of them, shall not from henceforth, at any Time before such Determination of the said sole and whole Trade of the said United Company of Merchants of *England* trading to the *East-Indies*, as is herein after mentioned, be repaired or sailed to, visited, frequented, or haunted, by any other the Subjects of his Majesty, his Heirs or Successors whatsoever; and if any of the said Subjects of his Majesty, his Heirs or Successors, of what Degree or Quality soever they be, other than the Factors, Agents, and Servants of the said United Company of Merchants of *England* trading to the *East-Indies*, or such as shall be by them thereunto licensed or authorised, shall, at any Time or Times hereafter, before such Determination of the said Company's whole and sole Trade, as aforesaid, directly or indirectly sail, or go to, visit, haunt, frequent, traffic, trade, or adventure in, to, or from the said *East-Indies*, or other the Limits or Parts aforesaid, contrary to the true Meaning hereof, all and every such Offender and Offenders shall incur the Forfeiture and Loss of all the Ships and Vessels which shall be employed in such Voyage, Trade, Traffic, or Adventure, with the Guns, Tackle, Apparel and Furniture thereunto belonging, and also all the Goods laden thereupon, or that were or shall be sent to, acquired, traded, trafficked, or adventured within the said *East-Indies*, or Parts aforesaid, and all the Proceed and Effects of the same, and every of them, and double the Value thereof, which Penalties and Forfeitures shall be so sued for, seized, distributed and distributable, recovered and recoverable, as in and by the said Act made in the seventh Year of the Reign of his late Majesty King *George* the First, is appointed, directed, and enacted concerning the Penalties and Forfeitures in that Act mentioned or referred to, with Respect to the said United Company, or their Trade to the *East-Indies*.

Vessels and Goods trading thither during that Time without Leave of the Company, forfeited.

7 Geo. 1 Stat. 1. c. 21.

They shall enjoy all Privileges granted by Acts or Charters.

X. And moreover it is hereby enacted by the Authority aforesaid, That the said United Company of Merchants of *England* trading to the *East-Indies*, shall at all Times hereafter forever (subject as aforesaid) have, hold, and enjoy, and be intitled unto, all and every the Profits, Benefits, Advantages, Privileges, Franchises, Abilities, Capacities, Powers, Authorities, Rights, Remedies, Methods of Suit, and all Penalties, and Forfeitures, and Disabilities, Provisions, Matters and Things whatsoever, which by any former Act or Acts of Parliament, or by any Charter or Charters founded thereupon, or by any Clause or Clauses in the said Acts or Charters contained, are enacted, given, granted, provided, inflicted, limited, established, or declared to, for, touching, or concerning the said Company or Body politic and corporate, either by the Name of *The General Society intitled to the Advantages given by an Act of Parliament for advancing a Sum not exceeding two millions for the Service of the Crown of* England, or the said Body politic and corporate, called by the Name of *The* English *Company trading to the* East-Indies, or the said Body politic and corporate now called by the Name of *The United Company of Merchants of* England *trading to the* East-Indies, and not by this Act altered, or intended to be altered, according to the Tenor and true Meaning of the said Acts and Charters, freed and discharged from all Provisoes and Conditions of Redemption and Determination therein contained, and the same and every of them are hereby ratified and confirmed, and shall continue to be held and enjoyed, and

and be practised and put in Execution by the said United Company of Merchants of *England* trading to the *East-Indies*, and their Successors, for the better and more effectual settling and securing to them and their Successors, the whole, sole, and exclusive Trade to the *East-Indies*, and Parts aforesaid, and for the preventing all his Majesty's Subjects trading thither and for securing also their Possessions, Estates, and Effects, and governing their Affairs and Business in all Respects, as fully and effectually, as if the same Profits, Benefits, Advantages, Trade, Privileges, Franchises, Abilities, Capacities, Powers, Authorities, Rights, Remedies, Methods of Suit, Penalties and Forfeitures, Disabilities, Provisions, Matters, and Things, were severally repeated, and at large re-enacted in the Body of this Act; subject nevertheless to such Restrictions, Covenants and Agreements, as are contained in the said Acts and Letters Patent now in Force, and not herein or hereby varied or altered, and subject also to the Proviso following; that is to say,

On three Years' Notice after 1736, and Repayment of the whole capital Stock, exclusive Trade to cease:

Extended by 17 Geo. 2. c. 17. & 21 Geo. 3. c. 65.

XI. Provided always, and it is hereby enacted by the Authority aforesaid, That at any Time, upon three Years' Notice to be given by Parliament, after the twenty-fifth Day of *March*, which shall be in the Year one thousand seven hundred and thirty-six, upon the Expiration of the said three Years, and Repayment to the said United Company of Merchants of *England* trading to the *East-Indies*, or their Successors, of the said capital Stock, Debt, or Sum of three millions two hundred thousand Pounds, and all Arrears of Annuity payable in Respect thereof, in case the same shall not have been before repaid, then and from thenceforth the said Right, Title, and Interest of the said United Company of Merchants of *England* trading to the *East-Indies*, to the whole, sole, and exclusive Trade to the *East-Indies*, and Parts aforesaid, shall cease and determine.

But Corporation to continue. 9 W. 3. c. 44.

XII. Provided always, and it is hereby further enacted by the Authority aforesaid, That nothing in the above Proviso or in any Proviso in the Act of the ninth Year of the Reign of his said Majesty King *William* the Third, or in the said Charter of the fifth Day of *September*, in the tenth Year of his said Majesty, or in any other Act or Charter contained, shall extend or be construed to extend to determine the Corporation of the said United Company of Merchants of *England* trading to the *East-Indies*, or to hinder, prevent, or exclude, the said United Company from carrying on at all Times after such Determination of the Right to the sole, whole, and exclusive Trade, as aforesaid, a free Trade, in, to, and from the *East-Indies*, and Parts aforesaid, with all or any Part of their own joint Stock in Trade, Goods, Merchandizes, Estate and Effects, in common with other the Subjects of his Majesty, his Heirs and Successors, trading in, to, and from those Parts.

What shall be deemed a proper Notice by Parliament.

XIII. And be it enacted by the Authority aforesaid, That any Notice in writing, signified by the Speaker of the House of Commons for the Time being, by Order of the said House, shall be deemed and adjudged a due and proper Notice by Parliament, to and for all the Ends, Intents and Purposes, for which such Notices are directed by this Act to be given to the said Company.

Company not to Purchase exceeding 10,cool. per Annum.

XIV. Provided always, and be it hereby further enacted by the Authority aforesaid, That the said United Company shall be and are hereby restrained and enjoined from buying, purchasing, enjoying, or possessing, at any one Time, any Messuages, Lands, Rents, Tenements, or Hereditaments, of what Nature, Kind, or Quality soever, in the Kingdom of *Great-Britain*, exceeding in the Whole the yearly Value of ten thousand Pounds; any Thing herein, or in any former Act, or in any Charter granted to the said Company, in anywise notwithstanding.

This Act not to extend to the South-Sea Company:

XV. Provided always, That this Act or any Thing herein contained shall not extend, or be construed, deemed, or taken to extend, to restrain or prejudice such Trade or Navigation within any Parts of the Limits aforesaid, as the Governor and Company of Merchants of *Great-Britain* trading to the *South-Seas*, and other Parts of *America*, and for encouraging the Fishery, now are intitled unto.

Nor to the Levant Company.

XVI. Provided also, That this Act or any Thing herein contained shall not extend, or be construed, deemed, or taken to extend to subject the Governor and Company of Merchants of *England* trading to the *Levant Seas*, or any Member thereof, to any Penalties or Forfeitures hereby enacted, for and in respect of his and their trading into the *Levant Seas*.

3 GEORGII II. Cap. XX.

An Act for taking off certain Duties on Salt, and for making good any Deficiencies in the Funds that may happen thereby; and for charging the reduced Annuity, payable to the East-India *Company, on the Aggregate Fund; and for Relief of* Matthew Lyon, *Executor of* Matthew Page *deceased, in respect of the Duty for Salt lost by the overflowing of the River* Mercy, *in the Year one thousand seven hundred and twenty-four.*

[So much thereof as relates to the *East-India Company.*]

See 9 & 10 W. 3. c. 44.

XXI. AND for the preventing and remedying any Injury or Damage which may happen to the United Company of Merchants of *England* trading to the *East-Indies*, in respect of the Diminution that may happen in the Produce of the Duties and Revenues, so as aforesaid charged with their present Annuity or Fund of one hundred and sixty thousand Pounds *per Annum*, by the ceasing and determining the before-mentioned additional Duties on Salt, before or until the said intended Reduction of their said present Annuity or yearly Fund shall take Place, and the same reduced Annuity or yearly Fund be charged upon new Duties and Revenues with their Consent, be it enacted by the Authority aforesaid, That in case at the End of any one Quarter of a Year, to be computed from the Feast of the Annunciation of the blessed Virgin *Mary*, in the Year of our Lord one thousand seven hundred and thirty, until such intended Reduction shall take place, and such new Security be provided for, the said reduced Annuity or yearly Fund, the Produce into the Exchequer of the Monies arising from the said additional Duties on Salt, and the said additional Duties on stamped Vellum, Parchment, and Paper, so as aforesaid particularly charged with the present Annuity or Fund of one hundred and sixty thousand Pounds, payable to the said United Company, shall not be sufficient, together with the present Provisions by Parliament for making good the Deficiencies thereon, to discharge the Quarter's Annuity that shall be then due to them; then and in every such Case, and as often as the same shall happen, such quarterly Deficiencies shall from Time to Time be made good out of any Monies which at the respective Times of such Deficiencies shall be and remain in the Exchequer, of the Monies arisen or to arise for the said Duties and Revenues commonly called *The Aggregate Fund*, which shall be more than sufficient to answer, pay, and satisfy what will then be due or demandable for any prior Charges or Incumbrances on the said Aggregate Fund.

The Deficiencies to the East-India Company out of the same Fund.

After 29 Sept. 1730, the India Company's reduced Annuities to be paid out of the Aggregate Fund.

XXII. And be it enacted by the Authority aforesaid, That, from and after the twenty-ninth Day of *September*, which shall be in the Year of our Lord one thousand seven hundred and thirty, in case the said intended Reduction of the said Annuity or Fund of one hundred and sixty thousand Pounds so as aforesaid payable to the said United Company shall then take place, then and from thenceforth such reduced Annuity or yearly Fund of one hundred and twenty-eight thousand Pounds shall be transferred from the several Duties and Revenues now charged with the said present Annuity or yearly Fund of one hundred and sixty thousand Pounds, and be charged upon and payable out of the Monies arisen or to arise into the Exchequer from Time to Time, for the said several Duties and Revenues composing the Aggregate Fund, to be paid and payable to the said United Company, or their Successors, by such and the like quarterly Payments as their present Annuity or yearly Fund is now payable, subject nevertheless to such Redemption by Parliament as is or shall be enacted by any other Act of this present Session of Parliament, and subject to such prior Charges and Incumbrances as are or shall be made by Parliament on the growing Produce of the said Aggregate Fund, before the taking Place of such Reduction.

Duty on Stamps and Salt discharged therefrom.

XXIII. And be it enacted by the Authority aforesaid, That from and after such Time as the said reduced Annuity or yearly Fund of one hundred and twenty-eight thousand Pounds shall become charged on the said Aggregate Fund, then and from thenceforth the said additional Duties on stamped Vellum, Parchment, and Paper so as aforesaid charged, together with the said additional Duties on Salt, with their said present Annuity or yearly Fund of one hundred and sixty thousand Pounds, shall be discharged therefrom, and also from the said reduced Annuity or yearly Fund and every Part thereof, and shall be deemed a Saving to the Public by such Reduction as aforesaid, and shall go and be applied to such Uses, and for such Purposes as by any other Act of this present Session of Parliament, or any future Act or Acts of Parliament are or shall be from Time to Time directed or appointed concerning the same.

4 GEORGII II. Cap. XIV.

An Act to prevent Frauds in the Revenue of Excise, with respect to Starch, Coffee, Tea, and Chocolate.

[So much thereof as relates to *Tea.*]

XI. AND whereas several ill-disposed Persons do frequently dye, fabricate, or manufacture, very great Quantities of Sloe Leaves, Liquorish Leaves, and the Leaves of Tea that have been before used, or the Leaves of other Trees, Shrubs, or Plants in Imitation of Tea, and do likewise mix, colour, stain, and dye such Leaves, and likewise Tea, with *Terra Japonica*, Sugar, Molasses, Clay, Logwood, and with other Ingredients, and do sell and vend the same as true and real Tea, to the Prejudice of the Health of his Majesty's Subjects, the Diminution of the Revenue, and to the Ruin of the fair Trader: For Remedy of such Frauds and Abuses for the Future, be it enacted by the Authority aforesaid, That from and after the twenty-ninth Day of *September*, one thousand seven hundred and thirty-one, if any Person or Persons, who shall be a Dealer in or Seller of Tea, shall dye, fabricate, or manufacture any Sloe Leaves, Liquorish Leaves, or the Leaves of Tea that have been used, or the Leaves of any other Tree, Shrub, or Plant, in Imitation of Tea, or shall mix, colour, stain, or dye such Leaves, or Tea, with *Terra Japonica*, Sugar, Molasses, Clay, Logwood, or with any other Ingredients or Materials whatsoever, or shall sell and vend, or utter, offer, or expose to Sale, or shall have in his, her, or their Custody or Possession, any such dyed, fabricated, or manufactured Leaves in Imitation of Tea, or any such coloured, stained, or dyed Leaves, or Tea mixed with any of the Ingredients before-mentioned, or with any other Ingredients whatsoever, such Person or Persons shall respectively, for every Pound of such Leaves so dyed, fabricated, or manufactured in Imitation of Tea, and for every Pound of such mixed, coloured, stained, or dyed Leaves of the Tea, forfeit and pay the Sum of ten Pounds.

Penalty for sophisticating Tea. See further, 17 Geo. 3. c. 29.

5 GEORGII II. Cap. XXIX.

An Act for the reviving an Act made in the fifth Year of the Reign of his late Majesty, King George the *First, intituled,* An Act for the better securing the lawful Trade of his Majesty's Subjects to and from the *East-Indies*, and for the more effectual preventing all his Majesty's Subjects trading thither under foreign Commissions.

Preamble, reciting 5 & 9 Geo. 1.

WHEREAS the Act made in the fifth Year of the Reign of his late Majesty King *George the* First, (intituled, *An Act for the better securing the lawful Trade of his Majesty's Subjects to and from the* East-Indies, *and for the more effectual preventing all his Majesty's Subjects trading thither under foreign Commissions*), which was to continue in Force for five Years, and from thence to the End of the then next Session of Parliament; and which by another Act, made in the ninth Year of his said late Majesty's Reign (intituled, *An Act to prevent his Majesty's Subjects from subscribing, or being concerned in encouraging or promoting any Subscription for an* East-India *Company in the* Austrian Netherlands, *and for the better securing the lawful Trade of his Majesty's Subjects to and from the* East-Indies), was further continued for seven Years, from the twenty-fifth Day of *March*, one thousand seven hundred and twenty-three, and from thence to the End of the then next Session of Parliament, hath by Experience been found useful and beneficial, and is lately expired; may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said first herein-before mentioned Act shall be, and is hereby revived, and shall be in full Force from the first Day of *May*, in the Year of our Lord one thousand seven hundred and thirty-two, for and during the Term of Seven Years, and from thence to the End of the then next Session of Parliament, and no longer.

Act 5 Geo. 1. continued from 1 May, 1732. for 7 Years, &c. Continued 20 Geo. 2. c. 47. and 20 Geo. 3. c. 19.

6 GEORGII II. Cap. VII.

An Act for the free Importation and Exportation of Diamonds, Pearls, Rubies, Emeralds, and all other Jewels and precious Stones.

WHEREAS this Kingdom is now become a great Mart for Diamonds and other precious Stones and Jewels, from whence most foreign Countries are supplied, and great Numbers of rough Diamonds are sent from Abroad to be cut and polished here, which is a great Advantage to this Nation, and there is great Reason to believe, if the Importation thereof was encouraged and made easy, the said Trade would increase: And whereas, among the Rules in the Table of Fees and Allowance due and payable to the Officers of the Customs, dated the seventeenth Day of *May*, one thousand six hundred and sixty-two, signed by Sir *Edward Turnor*, then Speaker of the House of Commons, and confirmed by the Act of Tonnage and Poundage passed in the twelfth Year of the Reign of King *Charles* the Second, and since continued, and now in Force, it is declared, That Diamonds, precious Stones, Jewels, and Pearls of all Sorts, shall pass outwards without Warrant or Fee; may it therefore please your most Excellent Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the Authority of the same, That from and after the tenth Day of *April*, which shall be in the Year of our Lord one thousand seven hundred and thirty-three, all Diamonds, Pearls, Rubies, Emeralds, and all other precious Stones and Jewels, shall pass inwards without Warrant or Fee, in like Manner as they now pass outwards, and free from the Payment of any Duty granted to his Majesty, his Heirs or Successors; and it shall and may be lawful for any Person or Persons to import or export the same, in any Ship or Vessel whatsoever; any Law, Custom, or Usage to the contrary in anywise notwithstanding, subject nevertheless to the Proviso hereinafter contained.

After 10 April, 1733, Diamonds and all other precious Stones may be imported or exported free from Duty.

II. Provided always, That nothing herein contained shall extend to annul or make void the Duty granted to his Majesty for the Use of the United Company of Merchants of *England*, trading to the *East-Indies*, by an Act passed in the ninth and tenth Years of the Reign of his late Majesty King *William* the Third, for such Pearls, Diamonds, and other precious Stones or Jewels, as shall be imported into this Kingdom from any Place within the Limits of the Charter granted to the said Company, or take away or alter any Privileges, Profits, or Advantages, granted to or now held or enjoyed by the said Company.

Proviso as to the East-India Company.

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12 GEORGII II. Cap. XXII.

An Act to rectify a Mistake in an Act made in the sixth Year of the Reign of his late Majesty King George, for preventing Frauds and Abuses in the public Revenues of Excise, Customs, Stamp-Duties, Post-Office, and House-Money; *relating to the Condition of Bonds taken from Masters of Ships; and to indemnify Persons who have acted under the said Mistake; and also to obviate a Doubt which has arisen upon an Act made in the seventh Year of his said late Majesty's Reign*, for the further preventing his Majesty's Subjects from trading to the *East-Indies* under foreign Commissions; and for encouraging and further securing the lawful Trade thereto; *with regard to Prosecutions in* Ireland *in a summary Way, for the fraudulent Importation of* East-India *Goods into that Kingdom.*

[So much thereof as relates to the *East-India Company*.]

III. AND whereas by a Clause in an Act of Parliament made in the seventh Year of the Reign of his late Majesty King *George* the First, intituled, *An Act for the further preventing his Majesty's Subjects from trading to the* East-Indies *under foreign Commissions, and for encouraging and further securing the lawful Trade thereto; and for further regulating the Pilots of* Dover, Deal, *and the Isle of* Thanet; it is amongst other Things enacted, That from and after the twenty-

7 Geo. 1. c. 21.

twenty-fourth Day of *June*, one thousand seven hundred and twenty-one, no Commodity of the Growth, Product, or Manufacture of the *East-Indies*, or other the Places in the said Act before-mentioned, shall be imported or carried into the Kingdom of *Ireland*, the Islands of *Jersey*, *Guernsey*, *Alderney*, *Sark*, or *Man*, or into any Land, Island, Plantation, Colony, Territory, or Place, to his Majesty, or to the Crown of *Great-Britain*, belonging, or which shall hereafter belong to his Majesty, his Heirs and Successors, in *Africa* or *America*, but such only as shall be *bona fide*, and without Fraud, loaden and shipped in *Great-Britain*, in Ships navigated according to the several and respective Laws now in being, as to the several Places to which the said Goods shall be imported or carried, under the Penalty of forfeiting all such Goods, or the Value thereof, together with the Ship or Vessel in which they shall be imported, with all her Guns, Tackle, Furniture, Ammunition and Apparel; and such Ship and Goods shall and may be seized, and the same, or the Value thereof, shall and may be prosecuted in any of his Majesty's Courts of Record at *Westminster*, or in *Dublin*, or in any of his Majesty's Courts in such Land, Island, Colony, Territory, or Place, where the Offence shall be committed, or in the Royal Courts of *Jersey* and *Guernsey*, respectively, by Bill, Plaint, or Information, wherein no Essoin, Protection or Wager of Law, shall be allowed, or any more than one Imparlance; one Moiety of which Forfeiture shall be to the Use of his Majesty, his Heirs and Successors, and the other Moiety to him or them who shall seize or sue for the same; except such Offence shall be committed in any of his Majesty's Plantations in *Africa* or *America*; in which Case one third Part of the said Forfeiture shall be to the Use of his Majesty, his Heirs and Successors, one other third Part to the Governor of such Land, Island, Colony, or Place where the Offence shall be committed, and the other third Part to the Informer or Prosecutor; any Law, Custom, or Usage to the contrary notwithstanding: and if any Officer or Officers of the Customs in the said Kingdom of *Ireland*, or in the Lands, Islands, Colonies, Plantations, Territories, or Places aforesaid, shall willingly or knowingly connive at the fraudulent Importation of any such Commodities as is before-mentioned, contrary to the true Meaning of the said last-mentioned Act; or if any such Officer or Officers shall take upon him or them to seize any of the said Commodities, and shall by Fraud or Collusion desist or delay the Prosecution thereof to Condemnation; he or they so conniving, desisting, or delaying, shall forfeit and lose the Sum of five hundred Pounds, to be sued for and recovered in Manner aforesaid; one Moiety of which Forfeiture to be to the Use of his Majesty, his Heirs and Successors, and the other Moiety thereof to him or them who will inform and sue for the same; and such Officer or Officers shall also for the future be incapable of holding any Office or Employment under his Majesty, his Heirs and Successors. And whereas a Doubt hath arisen, whether by Reason of the said last-mentioned Act, the Penalties and Forfeitures incurred by the Laws now in Force in the said Kingdom of *Ireland*, against running, or intending to run Goods into that Kingdom, or for landing or carrying the same away without due Entry being made thereof, or paying or giving Security for the Payment of the Duties thereout due and payable to his Majesty, can (as to Commodities of the Growth, Production, or Manufacture of the *East-Indies*, mentioned in the said recited Act) be sued for, and recovered in a summary Way, in any other Manner than by Bill, Plaint, or Information in some of his Majesty's Courts of Record in *Dublin*: And whereas divers evil-disposed Persons have of late been encouraged to run great Quantities of *India* Goods into the Kingdom of *Ireland*, which were not loaden or shipped in or from any Part of *Great-Britain*, whereby the Payment of any Duty for the same hath been avoided, to the great Diminution of his Majesty's Revenue in the Kingdom of *Ireland*, contrary to the true Intent and Meaning of the said Act; for Remedy whereof, and for obviating and taking away all such Doubts, be it further enacted by the Authority aforesaid, That the Commissioners of Excise in the Kingdom of *Ireland* for the Time being, or any three of them, or the Sub-commissioners of Excise for the Time being, or the major Part of them respectively, in their respective Limits and Districts in the Kingdom of *Ireland*, shall, from and after the passing of this Act, and they are hereby authorized and required to hear and determine all Offences against any Clause or Article contained in any Act of Parliament now in Force in the Kingdom of *Ireland*, made for preventing the running or intending to run into the said Kingdom any Commodity of the Growth, Product, or Manufacture of the *East-Indies*, or other Places beyond the *Cape of Good Hope*, and the said Commissioners and Sub-commissioners shall and may, and they are hereby empowered to proceed in a summary Way, and hear, determine, and give Judgment or Sentence thereupon, and order and direct the Fines, Penalties, and Forfeitures to be recovered and levied, in such or the like Manner as they the said Commissioners and Sub-commissioners are enabled to proceed to hear, determine, give Judgment, and levy the Fines, Penalties, and Forfeitures, in Cases of Excise in the Kingdom of *Ireland*, by any Law, Act or Acts of Parliament now in Force in that Kingdom; any Thing in the said Act, passed in the seventh Year of the Reign of his late Majesty King *George* the First, to the contrary notwithstanding.

Commissioners or Sub-commissioners of Excise in Ireland, to try Offences against any Acts for prohibiting running of India Goods in a summary Way.

13 GEORGII II. Cap. XVIII.

An Act to continue several Laws therein mentioned, for punishing such Persons as shall wilfully and maliciously pull down or destroy Turnpikes; for repairing Highways or Locks, or other Works, erected by Authority of Parliament for making Rivers navigable; for preventing of Exactions of the Occupiers of Locks and Wears upon the River of Thames *westward, and for ascertaining the Rates of Water Carriage upon the said River; for preventing frivolous and vexatious Arrests; and for better securing the lawful Trade of his Majesty's Subjects to and from the* East-Indies, *and for the more effectual preventing all his Majesty's Subjects trading thither under foreign Commissions; and for limiting the Time for suing forth Writs of* Certiorari *upon Proceedings before Justices of the Peace; and for regulating the Time and Manner of applying for the same; for the better and more speedy Execution of Process within particular Franchises or Liberties; and for extending the Power and Authorities of Justices of the Peace of Counties touching County Rates, to the Justices of the Peace of such Liberties and Franchises as have Commissions of the Peace within themselves.*

[So much thereof as relates to the *East-India Company.*]

5 Geo. 2. c. 21. Act to secure the lawful Trade to the East-Indies. Continued by 20 Geo. 2. c. 47. and 20 Geo. 3. c. 19.

IV. AND be it further enacted by the Authority aforesaid, That an Act, made in the fifth Year of the Reign of his present Majesty, intituled, *An Act for reviving an Act made in the fifth Year of the Reign of his late Majesty King* George *the First, intituled, "An Act for the better securing the lawful Trade of his Majesty's Subjects to and from the* East-Indies, *and for the more effectual preventing all his Majesty's Subjects trading thither under foreign Commissions;"* which was to continue in Force from the first Day of *May*, one thousand seven hundred and thirty-two, for the Term of seven Years, and from thence to the End of the then next Session of Parliament, shall be, and is hereby further continued from the Expiration thereof, until the first Day of *June*, which shall be in the Year of our Lord one thousand seven hundred and forty-seven.

15 GEORGII II. Cap. XXXI.

An Act for further regulating the Plantation Trade; and for Relief of Merchants importing Prize Goods from America, *and for preventing collusive Captures there; and for obliging the Claimers of Vessels seized for Exportation of Wool, or any unlawful Importation, to give Security for Costs; and for allowing* East-India *Goods to be taken out of Warehouses, in order to be cleaned and refreshed.*

[So much thereof as relates to the *East-India Company.*]

11 W. 3. c. 10.

VIII. AND whereas by an Act passed in the eleventh and twelfth Years of King *William* the Third, it is, among other Things enacted, That all wrought Silks, Bengals, and Stuffs mixed with Silk or Herba, of the Manufacture of *Persia*, *China*, or *East-India*, and all Callicoes painted, dyed, printed, or stained there, which are or shall be imported into this Kingdom, shall not be worn or otherwise used within this Kingdom, but under such Limitations as are therein-mentioned and expressed; and that all such Goods which shall be imported into this Kingdom, shall, after Entry thereof, be forthwith carried and put into such Warehouse or Warehouses as shall for that Purpose be approved of by the Commissioners of his Majesty's Customs for the Time being, so as none of them shall be taken or carried out thence upon any Account whatsoever, other than in order for Exportation, and not until sufficient Security be first given to the King's Majesty, his Heirs and Successors (which the said Commissioners are thereby required and empowered to take) that the same, and every Part thereof, shall be exported, and not landed again in any Part of this Kingdom; and that the Warehouse-keeper or Warehouse-keepers shall keep one or more Book or Books, wherein he or they shall fairly enter or write an exact, particular, and

and true Account of all and every Chest, Bale, and Number of Pieces therein contained, of such of the aforesaid Goods only which shall be brought into, and carried out of his or their said Warehouse or Warehouses, and the Days and Times when the same shall be brought in and carried out; and if upon Examination it shall appear that any of the aforesaid Goods were carried out, unless for Exportation, or before sufficient Security given for their Exportation, as aforesaid, that then the Warehouse-keeper or Warehouse-keepers so offending therein, shall not only forfeit and lose the Value of the said Goods so carried out, as aforesaid, and be for ever disabled from any public Employment for the future, but shall also forfeit the Sum of five hundred Pounds for every such Offence: And whereas the Goods before-mentioned, upon opening thereof, are frequently found to be spotted or stained with Salt-water, or otherwise damaged in the Voyage, and unless permitted to be taken out of the Warehouse or Warehouses to be refreshed and cleaned, they may totally Perish, and the said Goods in several other Respects, in the Condition they come over, are entirely unfit for many Markets, to which they are now sent, and thereby giving other Nations the sole Vent of those Goods, and render the Value of them here much less, which in both Cases would be of very great Loss to this Kingdom; be it therefore enacted by the Authority aforesaid, That, from and after the twenty-fourth Day of *June*, one thousand seven hundred and forty-two, if any wrought Silks, Bengals, and Stuffs mixed with Silk or Herba, of the Manufacture of *Persia*, *China*, or *East-India*, or any Callicoes painted, dyed, printed, or stained there, which shall be imported into this Kingdom, and secured in a Warehouse or Warehouses as aforesaid, shall, upon Examination by the proper Officers, appear to be spotted or stained with Salt-water, or otherwise damaged in the Voyage, or to be unfit for foreign Markets, unless cleaned and refreshed, dyed, glazed, or calendered, then it shall and may be lawful, upon Bond being first given to his Majesty, his Heirs and Successors, which the said Commissioners are hereby empowered to take, with two or more sufficient Sureties, in the Penalty of double the Value of the Goods, with Conditions that all and every Part of the Goods delivered out, shall be again returned into the same Warehouses within a certain Time to be limited in the said Bond, which Time shall be such as the said Commissioners shall judge reasonable, then, and in such Case, it shall and may be lawful to and for the Warehouse-keeper or Warehouse-keepers of the said Warehouses, by leave of the said Commissioners, to suffer any of the said Goods in the Condition aforesaid to be taken out of the said Warehouses, or any of them, under the Care, and in the Custody of such Officer or Officers as the said Commissioners shall direct and appoint, to be cleaned, dyed, pressed, glazed, calendered, or refreshed, in order to make them the more merchantable, and fit for foreign Markets; provided, and it is hereby enacted, That the Officer or Officers who shall be appointed to have the Charge and Custody of the said Goods, while they are out of the Warehouse or Warehouses for the Purposes aforesaid, be paid for his or their Attendance and Trouble therein, by the Person or Persons at whose Request the Goods shall be delivered out; and in case of any Dispute, as to the Allowance to be made such Officer or Officers for his or their Attendance and Trouble therein, the same shall be adjudged and determined by the said Commissioners.

Foreign Goods may be taken out of the Warehouses and refreshed.

IX. And whereas by the said Act of the eleventh and twelfth of *William* the Third, it is provided, That the Warehouse-keeper or Warehouse-keepers shall keep an Account, in the Manner therein directed, of all the said Goods brought in and carried out of the said Warehouses, and transmit to the said Commissioners an exact Account thereof, upon Oath, every six Months, together with an exact Account how much shall be remaining in his or their said Warehouse or Warehouses respectively; which Accounts the said Commissioners are by the said Act empowered and enjoined, within one Month after the same shall be transmitted to them, to cause to be examined in the Manner therein directed, and to lay a true Account of the same before the Parliament, within the first Week of every Sessions thereof; be it therefore enacted by the Authority aforesaid, That in all the Accounts to be kept, prepared, transmitted, or delivered as aforesaid, a true and exact Account shall be therein inserted and expressed, of all such of the said Goods as shall have been delivered out, to be cleaned, dyed, pressed, glazed, calendered, or refreshed, by Virtue or in Pursuance of the Directions of this Act, and which shall be returned again into such Warehouses, mentioning the Days and Times when the same shall have been so delivered out or brought back, together with an exact Account how much shall be remaining in the Care and Custody of the Officer or Officers appointed to have the Charge and Custody thereof, while they are out of the Warehouse or Warehouses, for the Purposes aforesaid.

Account to Parliament of all foreign Goods taken out of the Warehouses to be refreshed and returned.

X. And it is hereby further enacted, That if the Officer or Officers who shall be intrusted with the Care and Custody of any of the said Goods delivered out of any of the said Warehouses for the Purposes aforesaid, shall not return all such Goods into the Warehouse or Warehouses from whence they were taken, agreeable to the Intention of this Act, the Officer or Officers offending therein shall not only forfeit and lose the Value of the said Goods so carried out as aforesaid, and be for ever disabled from any public Employment for the future, but shall also forfeit the Sum of

Penalty on Officers offending against this Act.

five

five hundred Pounds for every such Offence; and all Penalties and Forfeitures herein-before mentioned shall and may be recovered and divided in like Manner as is provided by the said Act of the eleventh and twelfth of *William* the Third, for Recovery of the Penalties and Forfeitures arising thereon.

17 GEORGII. II. Cap. XVII.

An Act for granting to his Majesty the Surplus or Remainder of the Monies arisen, or to arise, by the Duties on Spirituous Liquors, granted by an Act of the last Session of Parliament; and for explaining and amending the said Act in Relation to the Retailers of such Liquors; and for establishing an Agreement with the United Company of Merchants of England *trading to the* East-Indies.

[So much thereof as relates to the *East-India Company*.]

3 Geo. 2. c. 14.

II. AND whereas in and by one Act of Parliament, made and passed in the third Year of his present Majesty's Reign, intituled, *An Act for reducing the Annuity or Fund of the United* East-India *Company, and for ascertaining their Right of Trade to the* East-Indies, *and the Continuance of their Corporation for that Purpose, upon the Terms therein-mentioned*, it was amongst other Things enacted, That the United Company of Merchants of *England* trading to the *East-Indies*, should advance and pay into the Receipt of his Majesty's Exchequer, on or before the twenty-fourth Day of *December*, one thousand seven hundred and thirty, the Sum of two hundred thousand Pounds, to be applied towards the Supplies granted to his Majesty for the Service of the Year one thousand seven hundred and thirty, for which no Interest should be ever payable, nor any Addition be made to their then capital Stock or Debt from the Public on Account of the same, nor the same or any Part thereof be repayable to the said United Company: And it was thereby also enacted, That from and after the twenty-ninth Day of *September*, which should be in the Year of our Lord one thousand seven hundred and thirty, and not before, the Annuity or yearly Fund of one hundred and sixty thousand Pounds, payable to the said United Company, should be reduced to an Annuity or yearly Fund of one hundred and twenty-eight thousand Pounds, in respect to their then capital Stock, or Debt of three millions two hundred thousand Pounds, which reduced Annuity or yearly Fund should be and remain charged upon, and paid and payable from Time to Time out of the same Duties and Revenues, in the same Manner, and by the like weekly or quarterly Payments, and with the same Provisions for making good any Deficiencies in the said reduced Fund, as their then Annuity was charged on or provided for, to be paid, until some new or other Provision should be made by Parliament, with Consent of the said United Company for the same, subject to Redemption upon one Year's Notice to be given by Parliament, after the twenty-fifth Day of *March*, which should be in the Year of our Lord one thousand seven hundred and thirty-six, upon the Expiration of the said Year, and upon Repayment by Parliament of the said whole capital Stock, or Debt, of three million two hundred thousand Pounds, unto the said United Company, by Payments not less than five hundred thousand Pounds at a Time, and also of all Arrears of their said reduced Annuity or yearly Fund, of one hundred and twenty-eight thousand Pounds, which should be due at the End of the said Year, from which Time, their said Annuity or yearly Fund should cease, determine, and be no longer paid or payable to them, as therein is more particularly mentioned: And it was also thereby enacted, That notwithstanding such Redemption, the said United Company and their Successors should continue to be a Body politic and corporate, by the Name of *The United Company of Merchants of* England *trading to the* East-Indies, and by that Name should have perpetual Succession, and have, hold, and enjoy all Benefits, Privileges, Franchises, and Rights, which by any former Act or Acts, or any Charter or Charters, founded thereupon, the said United Company might hold and enjoy, not altered or varied by the said Act, as therein is more particularly mentioned; and the said United Company were thereby also empowered, after Redemption of their said yearly Fund, or a Moiety thereof or more by Parliament, to declare by Bye-laws or Orders in their general Courts, what Part or Share in their remaining capital Stock or yearly Fund or Stock in Trade shall qualify any Members of the said United Company of Merchants of *England* trading to the *East-Indies*, to be Directors for the Affairs of the said Company, or to give any Vote or Votes in any general Courts; and for the electing the Directors, and for their Continuance or Removal, Incapacity or Avoidance: And it was also further enacted,

enacted, That notwithstanding such Redemption of the said yearly Fund of one hundred and twenty-eight thousand Pounds, the said United Company should (subject to the Proviso of Determination therein and herein-after mentioned) have, use, and enjoy the whole and sole Trade and Traffic, and the only Liberty, Use, and Privilege of trading, trafficking, and exercising the Trade or Business of Merchandize into and from the *East-Indies*, and into and from all the Islands, Ports, Havens, Coasts, Cities, Towns, and Places, between the *Cape of Good Hope*, and the Streights of *Magellan*, and Limits in an Act, of the ninth Year of the Reign of his late Majesty King *William* the Third, or in a Charter of the fifth Day of *September*, in the tenth Year of his said Majesty's Reign, mentioned, in as ample and beneficial Manner as the said Company could thereby trade thereto, with such Prohibitions to all other his Majesty's Subjects to trade thereto, and under such Penalties and Forfeitures as in the said Act of the third Year of his present Majesty's Reign is more particularly mentioned: And it was thereby further enacted, That the said United Company should at all Times thereafter for ever (subject as aforesaid) have, hold, and enjoy, and be entitled unto all and every the Profits, Benefits, Advantages, Privileges, Franchises, Abilities, Capacities, Powers, Authorities, Rights, Remedies, Methods of Suit, and all Penalties and Forfeitures, and Disabilities, Provisions, Matters, and Things whatsoever, which by any former Act or Acts of Parliament, or by any Charter or Charters founded thereupon, or by any Clause or Clauses in the said Acts or Charters contained, were enacted, given, granted, provided, inflicted, limited, established, or declared to, for, touching, or concerning the said Company or Body politic and corporate, either by the Name of *The General Society, intitled to the Advantages given by an Act of Parliament for advancing a Sum not exceeding two millions of Pounds for the Service of the Crown of England*; or the said Body politic and corporate, called by the Name of *The English Company trading to the East-Indies*; or the said Body politic and corporate, called by the Name of *The United Company of Merchants of England trading to the East-Indies*, (not altered or intended to be altered by the said Act), according to the Tenor and true Meaning of the said Acts and Charters, freed and discharged from all Provisoes and Conditions of Redemption and Determination therein contained; and the same were thereby ratified and confirmed, and should continue to be held, enjoyed, and be practised and put in execution by the said United Company, and their Successors, for the better and more effectual settling and securing to them and their Successors, the whole, sole, and exclusive Trade to the *East-Indies*, and Parts aforesaid; and for the preventing all his Majesty's Subjects trading thither, and for securing also their Possessions, Estates, and Effects, and governing their Affairs and Business, in all Respects, as fully and effectually as if the same were repeated and re-enacted in the said Act, subject to such Restrictions, Covenants, and Agreements, as are contained in the said Acts and Letters Patents then in force, and not thereby varied or altered, and subject also to the Proviso following; that is to say, That at any Time upon three Years' Notice to be given by Parliament, after the twenty-fifth Day of *March*, which shall be in the Year of our Lord one thousand seven hundred and sixty-six, upon the Expiration of the said three Years, and Repayment to the said United Company of Merchants of *England* trading to the *East-Indies*, or their Successors, of the said capital Stock, Debt, or Sum of three millions and two hundred thousand Pounds, and all Arrears of Annuity payable in respect thereof, in case the same shall not have been before repaid; then, and from thenceforth, the said Right, Title, and Interest of the said United Company of Merchants of *England* trading to the *East-Indies*, to the whole, sole, and exclusive Trade to the *East-Indies*, and Parts aforesaid, shall cease and determine; and it was thereby also provided, That nothing in the above Proviso, or any Proviso in the Act of the ninth Year of the Reign of his said Majesty King *William* the Third, or in the said Charter of the fifth Day of *September*, in the tenth Year of his said Majesty, or in any other Act or Charter contained, should extend or be construed to extend to determine the Corporation of the said United Company, or to hinder the said United Company from carrying on at all Times, after such Determination of the Right to the sole, whole, and exclusive Trade as aforesaid, a free Trade in, to, and from the *East-Indies*, and Parts aforesaid, with all or any other Part of their own joint Stock in Trade, Goods, Merchandize, Estate, and Effects, in common with other his Majesty's Subjects, as by the same Act, Relation being thereunto had, may more fully appear: And whereas, in and by one other Act of Parliament made and passed in the said third Year of his present Majesty's Reign, intituled, *An Act for taking off certain Duties on Salt, and for making good any Deficiencies in the Funds that may happen thereby; and for charging the reduced Annuity payable to the* East-India *Company on the aggregate Fund; and for Relief of* Matthew Lyon, *Executor of* Matthew Page *deceased, in respect of the Duty for Salt lost by the Overflowing of the River* Mercy *in the Year one thousand seven hundred and twenty-four*, for the preventing or remedying any Injury or Damage which might happen to the said United Company, in respect to the Diminution that might happen in the Produce of the Duties and Revenues charged with their then Annuity or Fund of one hundred and sixty thousand Pounds *per Annum*, by

9 W. 3. c. 44.

3 Geo. 2. c. 20.

by the ceasing and determining the therein before-mentioned additional Duties on Salt, before or until the said intended Reduction of their said then Annuity or yearly Fund should take place, and their reduced Annuity or yearly Fund should be charged upon new Duties and Revenues with their Consent, it was enacted, That in case, at the End of any one quarter of a Year, to be computed from the Feast of the Annunciation of the Blessed Virgin *Mary*, in the Year one thousand seven hundred and thirty, until such intended Reduction should take place, and such new Security be provided for the said reduced Annuity or yearly Fund, the Produce into the Exchequer of the Monies arising from the said additional Duties on Salt, and the additional Duties on stamped Vellum, Parchment, and Paper, particularly charged with the then Annuity or Fund of one hundred and sixty thousand Pounds, payable to the said United Company, should not be sufficient, together with the then Provisions by Parliament for making good the Deficiencies thereon, to discharge the Quarter's Annuity that should be then due to them, then, and in every such Case, and as often as the same should happen, such quarterly Deficiencies should from Time to Time be made good out of any Monies, which at the respective Times of such Deficiencies should be and remain in the Exchequer, of the Monies arisen or to arise for the said Duties and Revenues, commonly called *The Aggregate Fund*, which should be more than sufficient to answer, pay, and satisfy what would then be due or demandable for any prior Charges or Incumbrances on the said Aggregate Fund: And it was also enacted, That from and after the twenty-ninth Day of *September*, which should be in the Year of our Lord one thousand seven hundred and thirty, in case the said intended Reduction of the said Annuity or Fund of one hundred and sixty thousand Pounds should then take Place, then, and from thenceforth, such reduced Annuity or yearly Fund of one hundred and twenty-eight thousand Pounds, should be transferred from the several Duties and Revenues then charged with the said then Annuity or yearly Fund of one hundred and sixty thousand Pounds, and be charged upon, and payable out of the Monies arisen or to arise into the Exchequer from Time to Time, for the said several Duties and Revenues composing the Aggregate Fund, to be paid and payable to the said United Company, or their Successors, by such and the like quarterly Payments as their then Annuity or yearly Fund was then payable, subject nevertheless to such Redemption by Parliament as was or should be enacted by any other Act of the then Session of Parliament, and subject to such prior Charges and Incumbrances, as were or should be made by Parliament on the growing Produce of the said Aggregate Fund, before the taking Place of such Reduction: And whereas the said United Company of Merchants of *England* trading to the *East-Indies* are willing and contented to advance and pay into the Receipt of your Majesty's Exchequer, towards the Supply granted to your Majesty for the Service of the Year one thousand seven hundred and forty-four, the Sum of one million of Pounds sterling, for the Purchase of an Annuity of thirty thousand Pounds well secured to the said United Company, and repayable on the same Terms with the Company's present Capital, with an Addition of fourteen Years to their present Term, which will, with such Addition, extend to *Lady-day*, one thousand seven hundred and eighty, besides the three Years allowed them after the Expiration of their present Term, for bringing home and disposing of their Effects, and other purposes; with Power to the said United Company to issue out Bonds from Time to Time for any Part, or the whole Amount of the said one million of Pounds sterling, and upon such other Terms, Conditions, Grants, Confirmations, Articles, and Provisions, as are herein-after made, granted, provided, declared, and enacted; be it therefore enacted by the Authority aforesaid, That the said United Company of Merchants of *England* trading to the *East-Indies*, in Pursuance of their before recited Agreement, shall advance and pay into the said Receipt of his Majesty's Exchequer, for his Majesty's Use, the full Sum of one million on or before the twenty-ninth Day of *September*, which shall be in the Year of our Lord one thousand seven hundred and forty-four, at such Times, and in such Proportions, as the Commissioners of his Majesty's Treasury, or any three or more of them, or the High Treasurer for the Time being, shall think fit to direct and appoint, so as the said United Company be not obliged to pay more than two hundred and fifty thousand Pounds at any one Time, nor without having one Month's Notice before each respective Time of Payment, and so as the said Company be not obliged to make any such Payment before the twenty-fifth Day of *May*, one thousand seven hundred and forty-four.

One million to be paid into the Exchequer.

3 per Cent Discount.

III. Provided always, and it is hereby enacted by the Authority aforesaid, That out of the said Sum of one million, the said United Company shall have and receive back by Way of Discount, so much as the Interest at the Rate of three Pounds *per Centum per Annum* for each Sum of Money which shall be actually advanced and paid, for or upon Account of the said Sum of one million, shall amount unto, from the Day of the actual Payment thereof, until the said twenty-ninth Day of *September*, one thousand seven hundred and forty-four; and in case the said United Company shall make Failure in any of the said Payments so by this Act appointed to be made into his Majesty's

To be sued in Case of Failure in the Payments.

jesty's Exchequer as aforesaid, at or before the respective Days or Times to be directed and appointed as aforesaid, the Money whereof such Failure in Payment shall be made, shall and may be recovered to his Majesty's Use, by Action of Debt, or upon the Case, Bill, Suit or Information, in any of his Majesty's Courts of Record at *Westminster*, wherein no Essoin, Protection, Privilege, or Wager of Law, shall be allowed, or any more than one Imparlance; in which Action, Bill, Suit or Information, it shall be lawful to declare, that the said United Company of Merchants of *England* trading to the *East-Indies*, are indebted to his Majesty the Monies of which they shall have made Default in Payment, according to the Form of this Statute, and have not paid the same, which shall be sufficient; and in or upon such Action, Bill, Suit or Information, there shall be further recovered to his Majesty's Use against the said United Company, Damages after the Rate of twelve Pounds *per Centum per Annum* for the Monies so unpaid contrary to this Act, besides full Costs of Suit; and the said United Company and their Successors, and their said Stock and Funds, shall be and are hereby made subject and liable thereunto.

Damages for Non-payment.

IV. And for the Encouragement of the said United Company to advance and pay the said Sum of one million, with such Discount out of the same, as aforesaid; and to the End of the said United Company, and their Successors, may have a competent Recompense and Consideration for so doing, it is hereby enacted by the Authority aforesaid, That the Provisoes contained in the said in part recited Act of the third Year of his present Majesty's Reign, and all other Provisoes contained in any other Act or Acts of Parliament for determining the Annuity or yearly Fund of the said United Company, and the Right, Title, and Interest of the said United Company to the whole, sole, and exclusive Trade to the *East-Indies*, and Parts aforesaid, or either of them, upon the respective Notices and Payments in the same Acts mentioned, shall be, and are hereby repealed and made void; and that the said United Company of Merchants of *England* trading to the *East-Indies*, and their Successors, shall for ever have, receive, and enjoy, not only their present entire Annuity or yearly Fund of one hundred and twenty-eight thousand Pounds, out of the Rates, Duties, and Revenues charged therewith, or liable to make good the same; but also that from and after the said twenty-ninth Day of *September*, which shall be in the Year of our Lord one thousand seven hundred and forty-four, the said United Company of Merchants of *England* trading to the *East-Indies*, and their Successors for ever, shall in respect of the said principal Sum of one million by this Act directed to be advanced and paid by them, have, receive, and enjoy a further Annuity or yearly Sum of thirty thousand Pounds, computed after the Rate of three Pounds *per Centum per Annum*; which said Annuity or said Sum shall be charged upon, and payable out of the said Surplus or Remainder of the Monies arisen or to arise, and to be paid into the Receipt of his Majesty's Exchequer, by the said Rates or Duties on Spirituous Liquours by this Act granted as aforesaid; and the said Surplus or Remainder of the said Rates and Duties, after the several Annuities before charged thereon are satisfied, are hereby declared to be a Fund, and Security for answering and paying the said yearly Sum or Annuity of thirty thousand Pounds, to the said United Company and their Successors for ever, until Redemption thereof by Parliament, according to the Proviso herein-after contained in that Behalf; and that the said Annuity or yearly Sum, shall from Time to Time be paid quarterly, at the four most usual Feasts or Days of Payments in the Year, by even and equal Portions, the first Payment thereof to be due and payable at the Feast of the Nativity of our Lord *Christ*, one thousand seven hundred and forty-four, and shall be free from all Taxes, Charges, and Impositions whatsoever.

Provisoes in any Act to determine the India-Company's Annuity repealed.

Additional Annuity of 30,000l. charged on the Duties on Spirituous Liquors, subject to Redemption by Parliament.

Annuity to be paid quarterly.

V. And be it further enacted by the Authority aforesaid, That so much of the said Surplus, or Remainder of the Monies arising into the Exchequer by the said Rates and Duties on Spirituous Liquors, by this Act granted as aforesaid, as shall be sufficient to make up and compleat the said Annuity or yearly Fund of thirty thousand Pounds, to be payable to the said United Company and their Successors, in respect to the Monies which shall be actually advanced by them in Pursuance of this Act shall, in the first Place, be set apart and applied, and the same is hereby appropriated for and towards the raising and making good of the said Annuity or yearly Fund, and is hereby directed and appointed to be issued and paid out of the said Receipt of Exchequer, by the respective Officers of the same, without any Fee or Charge, and without any further or other Warrant, to be sued for, had or obtained from his Majesty, his Heirs or Successors, in that Behalf; and shall be applied to and for the Uses and Purposes in and by this Act expressed and intended, and to no other Use, Intent or Purpose whatsoever; any Thing herein-before contained to the contrary notwithstanding: And that the respective Officers in the Exchequer, who shall make any Delay in paying the said Monies to the Uses by this Act intended, or shall be guilty of diverting or misapplying any of the said Monies to any other Use or Purpose, contrary to this Act, or shall pay or issue out the same, or any Part thereof, otherwise than according to the Intent of this Act, shall, for any such Offence, forfeit and be forejudged form their respective

Company's Annuity of 30,000l. to be paid out of the Exchequer without Fee.

Officer neglecting Payment, to lose his Place, and pay treble Damages.

Offices and Places, and rendered incapable to serve his Majesty, his Heirs or Successors, in any Office or Place of Trust or Profit whatsoever, and shall answer and pay treble Damages, and Costs of Suit, to be recovered by the said United Company and their Successors, by Action of Debt, Bill, Plaint or Information, in any of his Majesty's Courts of Record at *Westminster*, wherein no Essoin, Protection, Privilege, Wager of Law, Injunction, or Order of Restraint shall be allowed, or more than one Imparlance; one-third Part of which Damages so to be recovered, shall be to the Use of his Majesty, his Heirs and Successors, and the other two third Parts thereof, with the Costs of Suit shall be to the Use of the said United Company and their Successors.

One third to his Majesty, and two thirds with Costs to the Company.

VI. And be it further enacted by the Authority aforesaid, That in case at the End of any one Quarter of a Year, to be computed from the Feast of St *Michael* the Archangel, one thousand seven hundred and forty-four, the said Surplus or Remainder of the Monies arisen or to arise by the said Rates and Duties on Spirituous Liquors by this Act granted, and so as aforesaid particularly charged with and appropriated to the Payment of the said additional yearly Fund or Annuity of thirty thousand Pounds to the said United Company, shall not be sufficient to discharge the Quarter's Annuity that shall then be due to them, then and in every such Case, and as often as the same shall happen, such quarterly Deficiencies are hereby charged upon, and shall, from Time to Time be made good out of any Monies which at the respective Times of such Deficiencies shall be and remain in the Exchequer, of the Monies arisen, or which shall afterwards arise by the Surplusses, Excesses, and overplus Monies commonly called *The Sinking Fund*, (except such Monies of the same Sinking Fund as are appropriated to any particular Use or Uses by any former Act or Acts of Parliament), and such Monies of the said Sinking Fund as shall from Time to Time be necessary to make good such Deficiencies, shall be issued and paid to the said United Company accordingly.

Deficiency of any quarterly Payment to be supplied out of the Sinking Fund.

VII. Provided always, and be it enacted by the Authority aforesaid, That whatever Money shall be issued out of the said Sinking Fund, shall from Time to Time be replaced by and out of the first Supplies to be then after granted in Parliament.

to be replaced out of the first Supplies.

VIII. And, for the better enabling the said United Company of Merchants of *England* trading to the *East-Indies*, to raise and pay the said Sum of one million to his Majesty's Use as aforesaid; it is hereby enacted by the Authority aforesaid, That it shall be lawful for the said United Company, under their common Seal, to borrow any Sum or Sums of Money from Time to Time, upon Account of their Stock and Fund, so as the Sum total of all the principal Monies which at any one Time shall be owing upon the Security of the said Seal, do not exceed one million, over and above the Monies which might lawfully be borrowed thereupon, before the making of this present Act.

India Company may borrow an equivalent Sum under their common Seal.

IX. Provided always, and it is hereby further enacted by the Authority aforesaid, That at any Time, upon one Year's Notice to be given by Parliament, after the twenty-fifth Day of *March*, which shall be in the Year of our Lord, one thousand seven hundred and forty-five, and not before, upon the Expiration of the said Year, and upon Repayment by Parliament to the said United Company of Merchants of *England* trading to the *East-Indies*, or their Successors, as well of the said Sum of three millions two hundred thousand Pounds formerly advanced, as of the said Sum of one million now to be advanced, amounting in the Whole to the Sum of four million two hundred thousand Pounds, without any Deduction, Discount or Abatement whatsoever to be made out of the same, or any Part thereof; and upon Payment to the said United Company and their Successors, of all Arrears of the said respective Annuities or yearly Funds of one hundred and twenty-eight thousand Pounds, and thirty thousand Pounds, then, and in such Case, and not till then, the said respective Annuities or yearly Funds shall cease, determine, and be no longer paid or payable.

On a Year's Notice after 1745, India Company's Debt may be redeemed.

X. And, in regard it is intended that at any Time or Times after the said twenty-fifth Day of *March*, one thousand seven hundred and forty-five, the said capital Stock or Debt of four million two hundred thousand Pounds may be paid off to the said United Company, by any Payments not being less than five hundred thousand Pounds at a Time; and that as the said lesser Payments shall be made, the said Annuities or yearly Funds of one hundred and twenty-eight thousand Pounds, and thirty thousand Pounds, payable to the said Company, shall proportionably sink and be abated; be it therefore enacted by the Authority aforesaid, That at any Time or Times, upon one Year's Notice after the said twenty-fifth Day of *March*, one thousand seven hundred and forty-five, to be given by Parliament, upon the Expiration of the said Year, and on Repayment

Not less than 500,000l. to be paid off at one Time.

Repayment by Parliament to the said United Company of any Sum of Money not being less than five hundred thousand Pounds, in Part of the said capital Stock or Debt of four million two hundred thousand Pounds; and upon Payment of all Arrears which shall then be due on their said Annuities or yearly Funds, or upon any Part thereof; then, from and after such Payment, so much of the said Annuities as shall bear Proportion to the Monies so paid in Part, shall cease, determine and be abated, and so on from Time to Time on such yearly Notices to be given by Parliament, and Payment from Time to Time of such other Sums in Part of the said capital Stock or Debt, not less than five hundred thousand Pounds at a Time, and of such Arrears of their then Annuities or yearly Funds, until the Payment of the Whole shall be compleated, so much of their said Annuities or yearly Funds as shall bear Proportion to such respective Sums paid in Part, shall from Time to Time, as such Payments are made, sink and be abated, until their whole Annuities or yearly Funds shall be entirely sunk and determined.

XI. And it is hereby further enacted by the Authority aforesaid, That notwithstanding such Redemption of the said Annuities or yearly Funds of one hundred and twenty-eight thousand Pounds, and thirty thousand Pounds, as aforesaid, the said United Company of Merchants of *England* trading to the *East-Indies*, shall (subject to the Proviso of Determination herein-after contained) have, use and enjoy, and shall continue to have, use and enjoy the whole, sole, and exclusive Trade and Traffic, and the only Liberty, Use, and Privilege of trading, trafficking, and exercising the Trade or Business of Merchandize, in, to, and from the *East-Indies*, and in, to, and from all the Islands, Ports, Havens, Coasts, Cities, Towns, and Places between the *Cape of Good Hope* and Streights of *Magellan* and Limits in the said Act of the ninth Year of the Reign of his said late Majesty *William* the Third, or in the said Charter of the fifth Day of *September*, in the tenth Year of his said Majesty's Reign, mentioned, in as ample and beneficial Manner as the said Company could thereby or otherwise lawfully trade thereto; and the said *East-Indies*, or the Islands, Havens, Coasts, Ports, Cities, Towns, and Places within the Limits aforesaid, or any of them shall not from henceforth at any Time before such Determination of the said sole and whole Trade of the said United Company of Merchants of *England* trading to the *East-Indies*, as is herein-after mentioned, be repaired or sailed to, visited, frequented, or haunted by any other the Subjects of his Majesty, his Heirs or Successors whatsoever; and if any of the said Subjects of his Majesty, his Heirs or Successors, of what Degree or Quality soever they be, other than the Factors, Agents, and Servants of the said United Company of Merchants of *England* trading to the *East-Indies*, or such as shall be by them thereunto licensed or authorized, shall at any Time or Times hereafter, before such Determination of the said Company's whole and sole Trade as aforesaid, directly or indirectly sail or go to, visit, haunt, frequent, traffic, trade, or adventure in, to, or from the said *East-Indies*, or other the Limits or Parts aforesaid, contrary to the true Meaning hereof, all and every such Offender and Offenders shall incur the Forfeiture and Loss of all the Ships and Vessels which shall be employed in such Voyage, Trade, Traffic, or Adventure, with the Guns, Tackle, Apparel, and Furniture thereunto belonging, and also all the Goods laden thereupon, or that were or shall be sent to, acquired, traded, trafficked, or adventured, within the said *East-Indies*, or Parts aforesaid, and all the Proceed and Effects of the same, and every of them, and double the Value thereof; which Penalties and Forfeitures shall be so sued for, seized, distributed and distributable, recovered and recoverable, as in and by an Act made in the seventh Year of the Reign of his late Majesty King *George* the First, intituled, *An Act for the further preventing his Majesty's Subjects from trading to the* East-Indies, *under foreign Commissions, and for encouraging and further securing the lawful Trade thereto; and for further regulating the Pilots of* Dover, Deal, *and the Isle of* Thanet, is appointed, directed, and enacted, concerning the Penalties and Forfeitures in that Act mentioned or referred to, with Respect to the said United Company, or their Trade to the *East-Indies*.

Company to have an exclusive Trade to the East-Indies.

Continued by 21 Geo. 3. c. 65.

Penalty on private Traders.

7. Geo. 1. c. 21.

XII. And moreover it is hereby enacted by the Authority aforesaid, That the said United Company of Merchants of *England* trading to the *East-Indies*, shall at all Times hereafter for ever (subject as aforesaid) have, hold, and enjoy, and be intitled unto all and every the Profits, Benefits, Advantages, Privileges, Franchises, Abilities, Capacities, Powers, Authorities, Rights, Remedies, Methods of Suit, and all Penalties and Forfeitures, and Disabilities, Provisions, Matters, and Things whatsoever, which by any former Act or Acts of Parliament, or by any Charter or Charters founded thereupon, or by any Clause or Clauses in the said Acts or Charters contained, are enacted, given, granted, provided, inflicted, limited, established, or declared, to, for, touching or concerning the said Company, or Body politic and corporate, either by the Name of *The General Society, intitled to the Advantages given by an Act of Parliament for advancing a Sum not exceeding two millions for the Service of the Crown of* England; or the said

India Company to have the Benefit of all Acts and Charters made in their Favour.

and not altered by this Act.

Body politic and corporate, called by the Name of *The* English *Company trading to the* East-Indies; or the said Body politic and corporate, now called by the Name of *The United Company of Merchants of* England *trading to the* East-Indies; and not by this Act altered, or intended to be altered, according to the Tenor and true Meaning of the said Acts and Charters, freed and discharged from all Provisoes and Conditions of Redemption and Determination therein contained; and the same and every of them, are hereby ratified and confirmed, and shall continue to be held and enjoyed, and be practised, and put in Execution by the said United Company of Merchants of *England* trading to the *East-Indies*, and their Successors, for the better and more effectual settling and securing to them and their Successors, the whole, sole, and exclusive Trade to the *East-Indies*, and Parts aforesaid; and for the preventing all other his Majesty's Subjects trading thither, and for securing also their Possessions, Estate, and Effects, and governing their Affairs and Business in all Respects, as fully and effectually as if the same Profits, Benefits, Advantages, Trade, Privileges, Franchises, Abilities, Capacities, Powers, Authorities, Rights, Remedies, Methods of Suit, Penalties, Forfeitures, Disabilities, Provisions, Matters and Things, were severally repeated; and at large re-enacted in the Body of this Act; subject nevertheless to such Restrictions, Covenants, and Agreements, as are contained in the said Acts and Letters Patent now in Force, and not herein or hereby varied or altered, and subject also to the Proviso following; that is to say,

Proviso of Redemption. Repealed 21 Geo. 3. c. 65. sect. 2.

XIII. *Provided always, and it is hereby enacted by Authority aforesaid, That at any Time upon three Years' Notice to be given by Parliament, after the twenty-fifth Day of* March, *which shall be in the Year of our Lord one thousand seven hundred and eighty, upon the Expiration of the said three Years, and Repayment to the said United Company of Merchants of* England *trading to the* East-Indies, *or their Successors, of the said capital Stock, Debt, or Sum of four million two hundred thousand Pounds, and all Arrears of Annuity payable in respect thereof, in case the same shall not have been before repaid, then, and from thenceforth, and not before or sooner, the said Right, Title, and Interest of the said United Company of Merchants of* England *trading to the* East-Indies, *to the whole, sole, and exclusive Trade to the* East-Indies, *and Parts aforesaid, shall cease and determine.*

Corporation to have a common Right of Trade with others, after their exclusive Right is determined.

XIV. Provided always, and it is hereby further enacted, That nothing in the above Proviso, or in any Proviso in the said Act of the ninth Year of the Reign of his said late Majesty King *William* the Third, or in the said Charter of the fifth Day of *September*, in the tenth Year of his said late Majesty's Reign, or in any other Act or Charter contained, shall extend, or be construed to extend, to determine the Corporation of the said United Company of Merchants of *England* trading to the *East-Indies*, or to hinder, prevent, or exclude, the said United Company from carrying on, at all Times after such Determination of the Right to the sole, whole, and exclusive Trade as aforesaid, a free Trade in, to, and from the *East-Indies*, and Parts aforesaid, with all or any Part of their own joint Stock in Trade, Goods, Merchandizes, Estate, and Effects, in common with other the Subjects of his Majesty, his Heirs and Successors, trading in, to, or from those Parts.

The Speaker's Notice in Writing to the Company, shall be deemed a good Notice.

XV. And be it further enacted by the Authority aforesaid, That any Notice in Writing, signified by the Speaker of the House of Commons for the Time being, by Order of the said House, shall be deemed and adjudged a due and proper Notice by Parliament, to and for all the Ends, Intents, and Purposes, for which such Notices are directed by this Act to be given to the said Company.

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18 GEORGII II. Cap. XXVI.

An Act for repealing the present Inland Duty of four Shillings per *Pound Weight upon all Teas sold in* Great-Britain, *and for granting to his Majesty certain other Inland Duties in Lieu thereof; and for better securing the Duty upon Tea, and other Duties of Excise; and for pursuing Offenders out of one County into another.*

Preamble, reciting Act 10 Geo. 1. c. 10.

MAY it please your most Excellent Majesty: Whereas by an Act of Parliament made and passed in the tenth Year of the Reign of his late Majesty King *George* the First, of glorious Memory; (intituled, *An Act for repealing certain Duties therein mentioned, payable upon Coffee, Tea,*

Tea, Cocoa Nuts, Chocolate, and Cocoa Paste imported; and for granting certain inland Duties in Lieu thereof; and for prohibiting the Importation of Chocolate ready made, and Cocoa Paste; and for better ascertaining the Duties payable upon Coffee, Tea, and Cocoa Nuts imported; and for granting Relief to Robert Dalzell, *late Earl of* Carnwath), an inland Duty, after the Rate of four Shillings *per* Pound Weight Avoirdupois; and in that Proportion for a greater or lesser Quantity, was imposed and charged upon all Tea to be sold in *Great-Britain*, from and after the twenty-fourth Day of *June*, one thousand seven hundred and twenty-four, over and above all Customs, Subsidies, and Duties, which should then remain payable to his Majesty for the same, upon Importation thereof, to be paid in Manner as in the said Act is directed: And whereas great Frauds and Abuses have been committed by the clandestine Importation of Tea from Parts beyond the Seas, as also by fraudulent relanding thereof (after the same hath been exported from this Kingdom to foreign Parts, and the Duties thereupon drawn back), without paying any Duties for such Tea, contrary to the true Intent and Meaning of the several Acts of Parliament relating to the said Duties, and to the manifest Prejudice of the fair Traders in the said Commodity: For Remedy whereof, and for the greater Discouragement of the pernicious and illegal Practices of unlawfully importing and clandestinely running and landing of Tea, and also for the more effectual securing to your Majesty a Revenue to arise by the Duties thereupon; we, your Majesty's most dutiful and loyal Subjects, the Commons of *Great-Britain* in Parliament assembled, do most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the twenty-fourth Day of *June*, one thousand seven hundred and forty-five, the Inland Duty of four Shillings *per* Pound upon Tea, granted by the before recited Act of the tenth Year of the Reign of his said late Majesty King *George* the First, shall cease, determine, and be no longer paid or payable; any Thing in the said Act to the contrary thereof in anywise notwithstanding.

After 24 June, 1745, Duty of 4s. per lb. Weight on Tea, by 10 Geo. 1. c. 10. to cease.

II. *And be it further enacted by the Authority aforesaid, That from and after the said twenty-fourth Day of* June, *one thousand seven hundred and forty-five, in Lieu of the said Duty by this Act repealed as aforesaid, the inland Duties herein-after mentioned shall be, and are by this Act charged upon all Tea, which shall from thenceforth be sold in* Great-Britain, *in Manner herein-after mentioned; (that is to say), one Shilling* per *Pound Weight Avoirdupois, and in that Proportion for a greater or lesser Quantity, and also a further Duty of twenty-five Pounds for every one hundred Pounds of the gross Price, at which such Teas shall be sold at the public Sales of the United Company of Merchants of* England *trading to the* East-Indies, *and proportionably for a greater or lesser Sum, over and above all Customs, Subsidies, and Duties payable to his Majesty for the same, upon the Importation thereof; which said several Duties of one Shilling* per *Pound Weight, and twenty-five Pounds* per Centum, *shall be paid down in ready Money by the Proprietor or Proprietors of such Tea, or such Person or Persons as shall be appointed by him, her, or them, to the Receiver or Collector of the said inland Duties, before such Proprietor or Proprietors, or other Person or Persons, shall receive or take out, for any Purpose whatsoever, such Tea from the Warehouse or Warehouses wherein the same is appointed to be lodged by the before-recited Act of the tenth Year of the Reign of his said late Majesty, according to the Directions of the said Act concerning Tea taken out of such Warehouse or Warehouses.*

1s. per lb. Weight Averdupois, and 25l. per Centum on the Price on all Teas sold by the East-India Company; by whom and when to be paid. These Duties are repealed by 24 Geo. 3. c. 38.

III. *And for the better ascertaining, charging, collecting, levying, raising, paying, and securing the several Rates and Duties by this Act imposed, and for preventing Frauds concerning the same; be it further enacted by the Authority aforesaid, That such Commissioners or Persons as now are appointed, or hereafter shall be appointed, in Pursuance of the said Act of the tenth Year of the Reign of his late Majesty King* George *the First, shall be his Majesty's Commissioners for the Receipt and Management of the said inland Duties, by this Act charged and imposed upon Tea as aforesaid; and that all and every the Powers, Authorities, Directions, Rules, Methods, Penalties, Forfeitures, Clauses, Matters, and Things (not otherwise altered by this Act) which in and by the said recited Act are provided, settled, or established, for raising, levying, collecting, paying, recovering, adjudging, or ascertaining the said Duty of four Shillings* per *Pound Weight upon Tea thereby granted, or by any other Act concerning the Duty upon Tea, shall be exercised, practised, applied, used, levied, recovered, and put in Execution, for the raising, levying, collecting, recovering, and paying the Duties by this Act granted, as fully and effectually, to all Intents and Purposes, as if all and every the said Powers, Authorities, Rules, Directions, Methods, Penalties, Forfeitures, Clauses, Matters, and Things, were particularly repeated, and again enacted, in the Body of this present Act; any Thing in this or any former Act to the contrary thereof in anywise notwithstanding.*

Commissioners appointed in Pursuance of 10 Geo 1. c. 10. shall be Commissioners for the Duties by this Act; with like Powers, Penalties, &c.

IV. Pro-

Duties by this Act, to be appropriated to the same Uses as the 4s. per lb. by 10 Geo. 1. and also redeemable by Parliament.

IV. Provided always, and it is hereby enacted by the Authority aforesaid, That, from and after the said twenty-fourth Day of *June*, one thousand seven hundred and forty-five, all Monies arising by the said Inland Duties, by this Act charged and imposed, shall be appropriated, issued, and applied, and the same are hereby appropriated and made payable to the same Uses, Intents, and Purposes, as the Duty of four Shillings *per* Pound upon Tea was appropriated and made applicable, by the said Act of the tenth Year of the Reign of his late Majesty King *George* the First, and shall be also subject and liable to the same Redemption by Parliament, as the said Duty of four Shillings *per* Pound was by the said Act subject and liable unto.

No Drawback to be paid for Tea exported after June 24, 1745.

N. B. Drawbacks are allowed by subsequent Acts.

V. And whereas by several Acts of Parliament now in force, several Drawbacks or Allowances are directed to be paid upon the Exportation of Tea, which have tempted many Exporters thereof to commit great Frauds and Abuses, to the Prejudice of his Majesty's Revenue, and the fair Traders: For Remedy whereof, be it enacted by the Authority aforesaid, That no Drawback whatsoever shall be allowed or paid for any Tea which shall be exported, or shipped to be exported, at any Time or Times after the said twenty-fourth Day of *June*, one thousand seven hundred and forty-five; and that no Debenture or Certificate shall be granted or made forth, for or in order to the Repayment or drawing back of the Duties upon any such Tea so exported, or shipped to be exported, after the said twenty-fourth Day of *June*, one thousand seven hundred and forty-five, but such Drawback or Repayment shall from thenceforth cease, determine, and be no longer paid; any Law, Statute, or Provision to the contrary thereof in anywise notwithstanding.

Means to prevent Disputes touching the Price at which Teas are sold.

Officers appointed by the Commissioners, to attend the public Sales of Tea, and report the Price on Oath;

who may also inspect the Company's Books;

which the Court of Directors is to produce.

VI. And, for the preventing any Disputes that may arise touching the Price at which Teas shall be sold at the public Sales of the United Company of Merchants of *England* trading to the *East-Indies*, be it further enacted by the Authority aforesaid, That the Commissioners who are or shall be appointed for the Management of the said Inland Duties, or the major Part of them for the Time being, shall have Power to constitute, under their Hands and Seals, such and so many Officers as they shall find needful for attending the said public Sales, and take an Account of the Names of the several Buyers, and Price at which each and every Lot of Tea shall be sold, and shall thereof make Returns or Reports in Writing, upon Oath, to the said Commissioners; and from such Reports or Returns the Charge of the said Duty of twenty-five Pounds *per Centum*, upon the Gross Price of Tea imposed by this Act shall be settled and ascertained: And for the preventing Mistakes, and better regulating such Charge, it shall and may be lawful for such Officer or Officers, at any Time or Times, upon Request made to the Court of Directors of the said Company, to inspect all and every such Book or Books as shall be appointed and kept for taking an Account in Behalf of the said Company, of the particular Price and Prices that Tea shall, from Time to Time, be sold for at their several public Sales; which Book or Books the said Court of Directors is hereby required, from Time to Time, to produce to such Officer or Officers so demanding the same.

See further Provision, 13 Geo. 3. c. 44. s. 2. for increasing the Deposit to 4l. per Tub.

Best Bidder to deposit 40s. for every Tub and Chest of Tea, in three Days;

or forfeit six Times the Value of said Deposit;

and the Sale be made void.

The Teas to be put up again to Sale in 14 Days, and the Buyers aforesaid incapable of bidding at any public Sale of Teas.

VII. And whereas many Persons do frequently, at Sales for Tea by the said United Company, bid for, and are declared best Bidders for large Quantities of Tea, without intending or being able to pay for the same, unless such Teas should, after such Sales, rise in Price, by Means whereof the Prices of Tea are frequently raised, and the running of Tea will be still encouraged; for Remedy whereof, be it enacted by the Authority aforesaid, That every Person who shall at any public Sale of Tea, made by the said United Company, be declared to be the best Bidder or Bidders for any Lot or Lots of Tea, shall, within three Days after being so declared the best Bidder or Bidders for the same, deposit with the said United Company, or such Clerk or Officer as the said Company shall appoint to receive the same, forty Shillings for every Tub and for every Chest of Tea; and in case any such Person or Persons shall refuse or neglect to make such Deposit within the Time before-limited, he, she, or they shall forfeit and lose six Times the Value of such Deposit, directed to be made as aforesaid; to be recovered by Action of Debt, Bill, Plaint, or Information, in any of his Majesty's Courts of Record at *Westminster*; wherein no Essoin, Protection, or Wager of Law, or more than one Imparlance, shall be allowed; one Moiety of which Forfeiture shall go to his Majesty, his Heirs and Successors, and the other Moiety to such Person as shall sue or prosecute for the same; and the Sale of all Teas, for which such Deposit shall be neglected to be made as aforesaid, is hereby declared to be null and void; and all such Teas shall be again put up by the said United Company to public Sale, within fourteen Days after the End of the Sale of Teas, at which such Teas were sold; and all and every Buyer or Buyers, who shall have neglected to make such Deposit as aforesaid, shall be, and is and are hereby rendered incapable of bidding for, or buying any Teas at any future public Sale of the said United Company.

VIII. And

Means to prevent Frauds by the Use of fictitious Names, by Dealers in Tea.

VIII. And whereas the several Dealers in Tea, and other Traders, subject to the Survey of the Officers appointed by the Commissioners of Excise, are required by the Laws concerning the Duties of Excise, and other Duties under the Management of the said Commissioners, to make true and particular Entries of Shops, Warehouses, Rooms, Places, and Utensils, by them made Use of for carrying on their respective Trades; and whereas many Persons, in order to avoid such Penalties as they may incur by Offences committed against the said Laws, have of late frequently made, or procured to be made, such Entries in fictitious Names, or in the Names of mean and obscure Persons, of little or no Ability or Substance, and who have little or no Interest or Property in the Stock of such Trades. And whereas many such Traders, being the real Proprietors and Owners of such Shops, and other Places, and who generally attend in such Shops, and carry on their respective Trades there, pretend to be only Servants or Managers to such fictitious or obscure Persons, and do refuse to discover the Places of Residence of such Persons, in whose Name such Entries have been made, whereby great Frauds pass unpunished; for Remedy whereof, be it further enacted by the Authority aforesaid, That, from and after the said twenty-fourth Day of *June*, one thousand seven hundred and forty-five, any Entry now made, or hereafter to be made, of any Shop, Warehouse, Room, Place, or Utensil, to be made Use of for carrying on any the Trade or Trades aforesaid, shall not be deemed or taken to be a legal Entry, unless the same be made in the Name of the true and real Owner or Owners of, and Trader and Traders in such Shop or Place; and that the Person or Persons who shall act as visible Owner, Occupier, or Proprietor, Owners, Occupiers, or Proprietors of any such Shop or Place whatsoever, or principal Manager or Managers in the carrying on such Trade there, shall be deemed and taken to be the real Owner and Trader, Owners and Traders, and shall be subject and liable, as such, to all Duties, Penalties, and Forfeitures, imposed by any Act relating to the Duties of Excise, or any other Duty under the Management of the said Commissioners, for or by Reason of any Stock, Goods, or Commodities made, kept, or found there, or for not making true and particular Entries of such Shops, Places, or Utensils, according to Law, or for any other Offences committed, or that shall be committed by the Owners, Traders, Dealers in, or makers of any such Goods or Commodities, of, at, or in such Shops or Places; and that all Stock, Goods, Commodities, and Utensils, which shall be found in or upon such Shops or Places, shall be subject to, and charged with all such Duties, Penalties, and Forfeitures.

The Person acting as visible Owner, shall be deemed the real Owner; liable to Duties and Forfeitures.

Goods, &c. found in Places of Trade subject to the same.

Act 10 Geo. 1. c. 10. recited.

IX. And whereas several Quantities of Tea, which have already been, or may be sold at the Public Sales by the said United Company of Merchants of *England* trading to the *East-Indies*, may happen to be and remain on the said twenty-fourth Day of *June*, one thousand seven hundred and forty-five, in some one or more of the Warehouses appointed in Pursuance of the said Act of the tenth Year of the Reign of his said late Majesty King *George* the First, it is therefore provided, enacted, and declared by the Authority aforesaid, That all such Teas which have been sold, or shall be sold, before the said twenty-fourth Day of *June*, one thousand seven hundred and forty-five, and which nevertheless shall remain and be found in such Warehouse or Warehouses on the said twenty-fourth Day of *June*, one thousand seven hundred and forty-five, shall be liable to, and be charged with the aforesaid Duties of one Shilling *per* Pound Weight, and twenty-five Pounds *per Centum* upon the gross Price of all Teas taken out of such Warehouse or Warehouses: And, for ascertaining and adjusting the said Duty of twenty-five Pounds *per Centum* on the gross Price, the said United Company of Merchants of *England* trading to the *East-Indies*, shall and are hereby required to lay before the said Commissioners, for the said inland Duties by this Act granted, a List of the Names of the Persons to whom the Teas, remaining in any such Warehouse or Warehouses on the said twenty-fourth Day of *June*, one thousand seven hundred and forty-five, were sold, together with the Prices at which the same were sold at the said Company's Publick Sale: and the said United Company are hereby also required to permit the Officer or Officers, for the Duties by this Act granted, who shall be appointed to attend the public Sales of the said United Company as aforesaid, upon request to the Court of Directors of the said Company, to inspect all and every their Book and Books, containing the Names of the several Persons to whom any Tea remaining in any such Warehouse on the said twenty-fourth Day of *June*, one thousand seven hundred and forty-five, were sold, and the particular Price or Prices at which the same were sold; any Thing herein before contained to the contrary thereof in any wise notwithstanding.

Teas sold before 24 June, 1745, and remaining in the Warehouses, liable to the Duties by this Act.

Means of ascertaining the Duty of 25 l. per Cent. on the gross Price.

East-India Company may import Tea from any Parts of Europe,

subject to the Duties on Tea imported from the East-Indies, &c.

X. And whereas it may happen, that the Tea, imported by the said United Company of Merchants of *England* trading to the *East-Indies*, may not always be sufficient to answer the Consumption thereof in *Great-Britain*, and to keep the Price of Tea in this Kingdom upon an Equality with the Price thereof in other the neighbouring Countries of *Europe*; be it therefore enacted by the Authority aforesaid, That in every such Case it shall and may be lawful for the said United Company of Merchants of *England* trading to the *East-Indies*, and their Successors, to import into *Great-Britain*, in *British* Ships navigated according to Law, such Quantities of Tea as

as they shall think necessary from any Parts of *Europe*, subject to the several Duties payable for Tea consumed in *Great-Britain*, and also to the same Rules, Methods, and Directions, as are prescribed and given with respect to Tea imported by them from the *East-Indies*, so as Notice be first given to the Commissioners of his Majesty's Treasury, or the High Treasurer for the Time being, of the Quantity of Tea so intended to be imported, with the Name of the Ship and Master, or Commander, in which the same is to be laden, and taking a Licence under the Hands of the said Commissioners of the Treasury, or any three or more of them, or the said High Treasurer for the Time being, for the lading and importing thereof as aforesaid; which Licences they are hereby authorized and impowered to grant to the said Company without any Fee or Reward, or any other Charge; any Law, Usage, or Custom, to the contrary notwithstanding.

taking a Licence from any three Commissioners of the Treasury, without Fee.

East-India Company neglecting to supply the Market;

XI. Provided always, and be it further enacted by the Authority aforesaid, That if the said United Company of Merchants of *England* trading to the *East-Indies*, shall at any Time neglect to keep this Market supplied with a sufficient Quantity of Tea, at reasonable Prices, to answer the Consumption thereof in *Great-Britain*, it shall and may be lawful to and for the said Commissioners of the Treasury, or any three or more of them, or the said High Treasurer for the time being, to grant Licences to any other Person or Persons, Body or Bodies politic or corporate, to import Tea into *Great-Britain*, from any Parts of *Europe*, in such and the like Manner, and subject to such Duties, and under such Restrictions and Limitations, and upon such Notices, and with such Licences, as are herein-before prescribed and directed, with respect to Tea to be imported from any Parts of *Europe*, by the said United Company of Merchants of *England* trading to the *East-Indies*; any Thing in this or any former Act or Acts of Parliament to the contrary thereof in any wise notwithstanding.

Licences may be granted to others, on the same Terms.

See further 17 Geo. 3 c. 27.

Tea imported from any Parts of Europe, shall pay the Subsidies, &c. chargeable on Tea from the East-Indies;

and be put into such Warehouses, as Tea by them imported from the East-Indies; and chargeable with the same duties by this Act;

and all Tea imported by other Persons.

XII. Provided always, and be it further enacted by the Authority aforesaid, That from and after the said twenty-fourth Day of *June*, one thousand seven hundred and forty-five, all Tea imported into *Great-Britain*, from any Parts of *Europe*, by the said United Company of Merchants of *England* trading to the *East-Indies*, or by any other Person or Persons, bodies politic or corporate, (to be licensed as aforesaid); shall be entered at the Custom-House, and shall pay or secure the several Subsidies and additional Impositions now chargeable upon all Tea imported by the said Company from the *East-Indies*; and all Tea so to be imported by the said United Company, from any Parts of *Europe* as aforesaid, shall be forthwith carried and put into such Warehouse or Warehouses, as are now made use of by the said United Company, for the receiving Tea imported by them from the *East-Indies*, or such others, as they shall provide for that Purpose, to be approved by the Commissioners of his Majesty's Customs, or the major Part of them for the Time being, and shall not be taken out of such Warehouse or Warehouses, until such Tea shall be sold at the Public Sales of the said United Company, and the several Duties charged thereupon by this Act shall be paid; and all Tea imported from any Parts of *Europe*, by any other Person or Persons, Body politic or corporate (to be licensed as aforesaid) shall also be forthwith carried or put into such Warehouse or Warehouses, as shall be provided for that Purpose, at the Charge of the respective Importer or Importers of such Tea, to be also approved by the said Commissioners of his Majesty's Customs, or the major Part of them for the Time being, and shall not be taken out thence upon any Account whatsoever, until the same shall be publicly sold by such Person or Persons, or Bodies politic or corporate (of which Sale or Sales, six Days Notice shall be given in the *London Gazette*), and the inland Duties charged thereupon by this Act shall be paid as aforesaid; any Thing in this or any former Act to the contrary thereof in any wise notwithstanding.

Six Days Notice of Sales of Tea to be given in the London Gazette.

XIII. And whereas by the Laws now in force concerning the Duties of Excise, and other Duties under the Management of the Commissioners of Excise in that Part of *Great-Britain* called *England*, all Forfeitures and Offences made and committed within the immediate Limits of the chief Office in *London*, are to be heard, adjudged, and determined by the chief Commissioners and Governors of Excise; and all such Forfeitures and Offences made and committed within all or any other the Counties, Cities, Towns, or Places in *England*, are to be heard and determined by any two or more of the Justices of the Peace residing near to the Place where such Forfeitures shall be made or Offence committed: And whereas many Persons chargeable with Duties of Excise, or other Duties under the Management of the said Commissioners, or incurring Penalties by Offences against the said Laws, do frequently avoid Prosecutions for the same, by removing out of the Jurisdiction wherein such Duties were charged, or Offences committed, to the great Prejudice of the Revenue, and Discouragement of the fair Traders: For Remedy whereof, be it further enacted by the Authority aforesaid, That, from and after the said twenty-fourth Day of *June*, one thousand seven hundred and forty-five, it shall and may be lawful for the said Commissioners and Justices respectively, within whose Jurisdiction any Person charged with any of the said Duties, or who shall hav

Offences may be prosecuted out of the Jurisdictions where committed.

have committed any offence against the said Laws, or any of them, or against this Act, shall be found, to summon, hear, adjudge, and determine, and issue any Process or Warrant in the same Manner as such Commissioners or Justices may now do in case of such Offences as are committed within their respective Jurisdictions: And in case the said Commissioners or Justices shall, upon any Judgment given by them respectively, issue a Warrant or Warrants of Distress, and the Person or Persons authorised to execute such Warrant, or any of them, shall make a Return thereto, that no sufficient Distress can be found, then it shall and may be lawful for the said Commissioners and Justices respectively, within whose Jurisdiction the Party shall at any Time be found, against whom such Warrant shall have been issued, upon producing to them such Warrant, and return thereof, to commit such Offender to the next County Gaol till Satisfaction be made.

Penalties and Forfeitures how to be recovered,

XIV. And be it further enacted and declared by the Authority aforesaid, That all Fines, Penalties and Forfeitures by this Act imposed, and all other Fines, Penalties, and Forfeitures by any former Act imposed, relating to the Duties of Excise, or any other Duty now under the Management of the said Commissioners of Excise, shall be sued for, levied, recovered, or mitigated, by such Ways, Means, and Methods, as any Fine, Penalty, or Forfeiture is or may be recovered or mitigated by any Law or Laws of Excise, or by this Act, or by Action of Debt, Bill, Plaint, or Information, in any of his Majesty's Courts of Record at *Westminster*; any Law, Usage, or Custom, to the contrary in any wise notwithstanding; and that one Moiety of every such Fine, Penalty, and Forfeiture shall be to his Majesty, his Heirs and Successors, and the other Moiety to him or them who shall discover, inform, or sue for the same.

and disposed of.

General Issue,

XV. And be it hereby further enacted by the Authority aforesaid, That if any Person or Persons shall be sued, molested, or prosecuted, for any Thing done by Virtue or in Pursuance of this or any other Act relating to the Duties of Excise, or other Duties under the Management of the Commissioners of Excise, such Person or Persons shall and may plead the general Issue, and give this Act, or such other Act, and the special Matter in Evidence, in his or their Defence or Defences; and if afterwards a Verdict shall pass for the Defendant or Defendants, or the Plaintiff or Plaintiffs shall discontinue his or their Action or Actions, or be nonsuited, or Judgment shall be given against him, her, or them, upon Demurrer, or otherwise, then such Defendant or Defendants shall have treble Costs awarded to him or them against any such Plaintiff or Plaintiffs.

Treble Costs.

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18 GEORGII II. Cap. XXX.

An Act to amend an Act made in the Eleventh Year of the Reign of King William *the Third, intituled,* An Act for the more effectual Suppression of Piracy.

WHEREAS by an Act made in the eleventh Year of King *William* the Third, intituled, *An Act for the more effectual Suppression of Piracy*; it is (amongst other Things) enacted, That all Piracies, Felonies, and Robberies committed on the Sea, or in any Haven, River, Creek, or Place where the Admiral or Admirals have Power, Authority, or Jurisdiction, may be examined, enquired of, tried, and determined and adjudged, according to the Directions of the said Act, in any Place at Sea, or upon the Land, in any of his Majesty's Islands, Plantations, Colonies, Dominions, Forts, or Factories, to be appointed for that Purpose by the King's Commission, in the Manner therein directed: And it is also thereby further enacted, That if any of his Majesty's natural-born Subjects, or Denizens of this Kingdom, shall commit any Piracy or Robbery, or any Act of Hostility, against others of his Majesty's Subjects, upon the Sea, under Colour of any Commission from any foreign Prince or State, or Pretence of Authority from any Person whatsoever, such Offenders shall be deemed Pirates, Felons, and Robbers; and they being duly convicted, according to the said Act, or according to an Act of the twenty-eighth Year of the Reign of King *Henry* the Eighth, therein recited, shall have and suffer such Pains of Death, Loss of Lands, Goods, and Chattels, as Pirates, Felons, and Robbers upon the Seas, ought to have and suffer: And whereas, since the present Wars with *France* and *Spain*, divers of his Majesty's natural-born Subjects have entered in the Service of his Majesty's Enemies, on board Privateers, or other Ships, having Commissions from the Crowns of *France* and *Spain*, and committed divers Hostilities against his Majesty's Subjects upon the Seas, in the *West-Indies*, and other Parts: And whereas Doubts have arisen, whether as such Offenders have, by such their Adherence to the King's Enemies, been guilty of High Treason, they can be deemed guilty of Felony, within the Intent of the said Act, and, as such, liable to be tried by the said Court of Admiralty appointed or to be appointed by Virtue of the

11 W 3. c. 7

28 Hen. 8. c. 15.

the said Act: Therefore, to put an End to the said Doubts, and to prevent the Inconveniencies that must arise, by the Want of Speedy Justice on such Offenders; may it please your most Excellent Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all Persons being natural-born Subjects, or Denizens, of his Majesty who, during the present or any future Wars, have committed, or shall commit any Hostilities upon the Sea, or in any Haven, River, Creek, or Place, where the Admiral or Admirals have Power, Authority, or Jurisdiction against his Majesty's Subjects, by Virtue or under Colour of any Commission from any of his Majesty's Enemies, or have been, or shall be any other Ways adherent, or giving Aid or Comfort to his Majesty's Enemies upon the Sea, or in any Haven, River, Creek, or Place, where the Admiral or Admirals have Power, Authority, or Jurisdiction, may be tried as Pirates, Felons, and Robbers in the said Court of Admiralty, on Ship-board, or, upon the Land in the same Manner, as Persons guilty of Piracy, Felony, and Robbery, are by the said Act directed to be tried; and such Persons being upon such Trial convicted thereof, shall suffer such Pains of Death, Loss of Lands, Goods and Chattels, as any other Pirates, Felons, and Robbers ought, by Virtue of the said recited Act of the eleventh Year of King *William* the Third, or any other Act, to suffer.

Subjects or Denizons committing Hostilities at Sea, &c. against His Majesty's Subjects or giving Aid &c. to Enemies at Sea may be tried as Pirates

11 W. 3. c. 7.

II. Provided, and it is hereby declared and enacted, That any Person who shall be tried and acquitted, or convicted, according to this Act, for any of the said Crimes, shall not be liable to be indicted, prosecuted, or tried again in *Great-Britain*, or elsewhere, for the same Crime or Fact as High Treason.

Not to be tried again for the same Crime as High Treason.

III. Provided, That nothing in this Act contained shall be construed to extend to prevent any Persons guilty of any of the said Crimes, who shall not be tried according to this Act, from being tried for High Treason within this Realm, according to the aforesaid Act of the twenty-eighth Year of King *Henry* the Eighth.

Criminals not tried by this Act may be tried for High Treason by 28 H. 8. c. 15.

19 GEORGII II. Cap. XXVII.

An Act for the more effectual securing the Duties now payable on foreign-made Sail-Cloth imported into this Kingdom; and for charging all foreign-made Sails with a Duty; and for explaining a Doubt concerning Ships being obliged, at their first setting out to Sea, to be furnished with one compleat Set of Sails made of British *Sail Cloth.*

[So much thereof as relates to the *East-India Company.*]:

Sails brought from the East-Indies exempted from Duty.

IV. PROVIDED always, and it is hereby further enacted and declared, That nothing herein contained shall be deemed, construed, adjudged, or taken to charge or make liable any Captain or Master of any Ship or Vessel coming from the *East-Indies*, with any of the Duties or Forfeitures aforesaid, for or upon Account of such Ship or Vessel being navigated with, or having on board any foreign-made Sail or Sails, which shall be by such Captain or Master, *bonâ Fide*, brought from the *East-Indies*; any Thing in this Act to the contrary in any wise notwithstanding.

19 GEORGII II. Cap. XXXVII.

An Act to regulate Insurance on Ships belonging to the Subjects of Great-Britain, *and on Merchandizes or Effects laden thereon.*

See 1 Bur. 493. Foreign Ships, &c. are not within this Act. Doug. 302.

WHEREAS it hath been found by Experience, that the making Assurances, Interest or no Interest, or without further Proof of Interest than the Policy, hath been productive of many pernicious Practices, whereby great Numbers of Ships, with their Cargoes, have either been fraudulently lost and destroyed, or taken by the Enemy in Time of War; and such Assurances have encouragedthe Exportation of Wool, and the carrying on many other prohibited and

and clandestine Trades, which by Means of such Assurances have been concealed, and the Parties concerned secured from Loss, as well to the Diminution of the public Revenue, as to the great Detriment of fair Traders; and by introducing a mischievous Kind of gaming or wagering, under the Pretence of assuring the Risk on Shipping and fair Trade, the Institution and laudable Design of making Assurances hath been perverted; and that which was intended for the Encouragement of Trade and Navigation, has, in many Instances, become hurtful of, and destructive to the same: For Remedy whereof be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the first Day of *August*, one thousand seven hundred and forty-six, no Assurance or Assurances shall be made by any Person or Persons, Bodies corporate or politic, on any Ship or Ships belonging to his Majesty, or any of his Subjects, or on any Goods, Merchandizes, or Effects, laden or to be laden on board of any such Ship or Ships, Interest or no Interest, or without further Proof of Interest than the Policy, or by Way of gaming or wagering, or without Benefit of Salvage to the Assurer; and that every such Assurance shall be null and void to all Intents and Purposes.

No Assurance to be made on Ships or Effects, &c. of Subjects, Interest or no Interest, or without Benefit of Salvage, &c.

II. Provided always, and be it further enacted by the Authority aforesaid, That Assurance on private Ships of War, fitted out by any of his Majesty's Subjects, solely to cruize against his Majesty's Enemies, may be made by or for the Owners thereof, Interest or no Interest, free of Average, and without Benefit of Salvage to the Assurer; any Thing herein contained to the contrary thereof in any wise notwithstanding.

Assurance on private Ships of War, may be made Interest or no Interest.

III. Provided also, and it is hereby enacted, That any Merchandizes or Effects from any Ports or Places in *Europe* or *America*, in the Possessions of the Crowns of *Spain* or *Portugal*, may be assured in such Way and Manner as if this Act had not been made.

Assurance on Effects from Spain or Portugal.

IV. And be it further enacted by the Authority aforesaid, That it shall not be lawful to make Re-assurance, unless the Assurer shall be insolvent, become a Bankrupt, or die; in either of which Cases such Assurer, his Executors, Administrators, or Assigns, may make Re-assurance, to the Amount of the Sum before by him assured, provided it shall be expressed in the Policy to be a Re-assurance.

Re-assurance in what Cases admitted, &c.

V. And be it further enacted by the Authority aforesaid, That from and after the said first Day of *August*, all and every Sum and Sums of Money to be lent on Bottomry, or at Respondentia, upon any Ship or Ships belonging to any of his Majesty's Subjects, bound to or from the *East-Indies*, shall be lent only on the Ship, or on the Merchandize or Effects laden, or to be laden, on board of such Ship, and shall be so expressed in the Condition of the Bond; and the Benefit of Salvage shall be allowed to the Lender, his Agents or Assigns, who alone shall have a Right to make Assurance on the Money so lent; and no Borrower of Money on Bottomry, or at Respondentia, as aforesaid, shall recover more on any Assurance than the Value of his Interest on the Ship, or in the Merchandizes or Effects laden on board of such Ship, exclusive of the Money so borrowed; and in case it shall appear that the Value of his Share in the Ship, or in the Merchandizes or Effects laden on board, doth not amount to the full Sum or Sums he hath borrowed as aforesaid, such Borrower shall be responsible to the Lender for so much of the Money borrowed, as he hath not laid out on the Ship or Merchandizes laden thereon, with lawful Interest for the same, together with the Assurance and all other Charges thereon, in the Proportion the Money not laid out shall bear to the whole Money lent, notwithstanding the Ship and Merchandizes be totally lost.

The Conditions for lending Sums on Bottomry, upon Ships bound to or from the East-Indies. See 3 Bur. 1394.

VI. And be it further enacted by the Authority aforesaid, That in all Actions or Suits brought or commenced after the said first Day of *August*, by the assured, upon any Policy of Assurance, the Plaintiff in such Action or Suit, or his Attorney or Agent, shall within fifteen Days after he or they shall be required so to do in Writing, by the Defendant, or his Attorney or Agent, declare in Writing what Sum or Sums he hath assured, or caused to be assured, in the Whole, and what Sums he hath borrowed at Respondentia, or Bottomry, for the Voyage, or any Part of the Voyage in Qestion in such Suit or Action.

In all Actions Plaintiff to declare within 15 Days after Notice what Sums he hath assured.

VII. And whereas it is unreasonable that any Person or Persons, Body or Bodies corporate, subscribing, sealing, or otherwise executing any Policy or Policies of Assurance should be put to any Costs, Charges, or Expences, in any Suit or Action at Law, to be brought on such Policy or Policies, in case such Person or Persons, Body or Bodies corporate, is or are ready and willing to pay such Damages and Costs, as shall and may be really and *bonâ Fide* due thereon, which at present they are liable to, and often forced unjustly to bear, for that in many Cases upon such

Persons sued on Policies of Assurance, to bring the Money into Court; Plaintiff not accepting it, and Jury not assessing greater Damages, Plaintiff to pay Costs.

such Policies, no Money can be brought into Court: For Remedy whereof, be it enacted by the Authority aforesaid, That from and after the said first Day of *August*, it shall and may be lawful for any Person or Persons, Body or Bodies corporate, sued in any Action or Actions of Debt, Covenant, or any other Action or Actions, on any Policy or Policies of Assurance, to bring into Court any Sum or Sums of Money; and if any such Plaintiff or Plaintiffs shall refuse to accept such Sum or Sums of Money, so brought into Court as aforesaid, with Costs to be taxed, in full Discharge of such Action or Actions, and shall afterwards proceed to Trial in such Action or Actions, and the Jury shall not assess Damages to such Plaintiff or Plaintiffs, exceeding the Sum or Sums of Money so brought into Court, such Plaintiff or Plaintiffs, in every such Case and Cases, shall pay to such Defendant or Defendants, in every such Action and Actions, Costs to be taxed; any Law, Custom or Usage to the contrary notwithstanding.

Limitations of this Act.

VIII. Provided always, and it is hereby declared, That this Act shall not extend to, or be in Force against any Persons residing in any Parts or Places in *Europe*, out of his Majesty's Dominions, for whose Account any Assurance or Assurances shall be made before the twenty-ninth Day of *September*, in the Year of our Lord one thousand seven hundred and forty-six; nor extend to, or be in Force against any Persons residing in any Parts or Places in *Turkey*, or in *Asia*, *Africa*, or in *America*, for whose Account any Assurance or Assurances shall be made before the twenty-fifth Day of *March*, in the Year of our Lord one thousand seven hundred and forty-seven; any Thing herein contained to the contrary thereof in anywise notwithstanding.

20 GEORGII II. Cap. XXXVIII.

An Act for the Relief and Support of maimed and disabled Seamen, and the Widows and Children of such as shall be killed, slain, or drowned in the Merchants' Service.

[So much thereof as relates to the *East-India Company.*]

XXXVII. AND whereas the United Company of Merchants of *England* trading to the *East-Indies*, have, at their own Expence, constantly provided for such Seamen employed by them as have been rendered incapable of present or future Service, by Sickness, Wounds, or other accidental Misfortunes, and for the Widows and Children of such Seamen as have been killed, slain, or drowned, in their Service, and have established a sufficient Fund for that Purpose, and are willing to continue such Provision, and are therefore desirous that the Officers and Seamen employed, in their Service, and the Servants and Apprentices of such Officers, may be exempted from the Payment of the said six Pence *per* Month; be it therefore enacted by the Authority aforesaid, That no Master or Commander, Officer, Mariner, or Seaman, or Servant or Apprentice of any Master or Commander, or Officer of any Ship or Vessel of or belonging unto, or employed or which shall be employed by, or in the Service of the said United Company of Merchants of *England*, trading to the *East-Indies*, during the Time they shall be so respectively employed in the said Company's Service, shall in anywise be liable or subject to the said Duty or Payment of six Pence *per* Month; but that every such Master or Commander, Officer, Mariner, or Seaman, and every Servant and Apprentice of such Master or Commander, or Officer, of any Ship or Vessel of or belonging unto, or employed by or in the said Company's Service as aforesaid, shall, during the Time of such Service, be totally exempt from the Payment thereof; any Thing in this Act contained to the contrary notwithstanding.

Masters and Seamen in the East-India Company's Service exempted from the Duty of 6d. per Month;

and excluded from the Benefit of this Act.

XXXVIII. Provided always, That no Master or Commander, Officer, Mariner, or Seaman, or any Servant or Apprentice of any Master or Commander, or Officer, employed in the Service of the said United Company, shall have or be entitled to any Benefit by this Act, for or in Respect of any Incapacity by Sickness, Wounds, or other accidental Misfortune happening unto them, during the Time of their being employed in the said Company's Service; nor shall the Widows or Children of such Seamen as shall be killed, slain, or drowned in the Service of the said United Company, be entitled to any Benefit or Relief by or from this Act, by Reason or Means of any such Seamen's being killed, slain, or drowned, during the Time they shall be employed in the said Company's Service as aforesaid.

20 GEORGII II. Cap. XLVII.

An Act to continue several Laws, for prohibiting the Importation of Books reprinted Abroad, and first composed or written and printed in Great-Britain; *for preventing Exactions of the Occupiers of Locks and Wears upon the River of* Thamer *Westward, and for ascertaining the Rates of Water Carriage upon the said River; and for better securing the lawful Trade of his Majesty's Subjects to and from the* East-Indies; *and for the more effectual preventing all his Majesty's Subjects trading thither under foreign Commissions; and relating to Rice, to Frauds in the Customs, to the clandestine Running of Goods, and to Copper Ore of the* British *Plantations; and for the free Importation of Cochineal and Indigo; and for Punishment of Persons destroying Turnpikes, or Locks, or other Works erected by Authority of Parliament.*

[So much thereof as relates to the *East-India Company.*]

Act 5 Geo. 2. for securing the Trade to and from the East-Indies, &c.

III. AND be it further enacted by the Authority aforesaid, That an Act made in the fifth Year of the Reign of his present Majesty, intituled, *An Act for reviving an Act made in the fifth Year of the Reign of his late Majesty King* George *the First, intituled, "An Act for "the better securing the lawful Trade of his Majesty's Subjects to and from the* East-Indies, *and "for the more effectual preventing all his Majesty's Subjects trading thither under foreign Com-"missions;"* which was to continue in Force from the first Day of *May*, one thousand seven hundred and thirty-two, for the Term of seven Years, and from thence to the End of the then next Session of Parliament; and which was, by an Act made in the thirteenth Year of the Reign of his present Majesty, for continuing several Laws therein-mentioned, further continued from the Expiration thereof till the first Day of *June*, one thousand seven hundred and forty-seven, shall be, and the same is hereby further continued from the Expiration thereof until the twenty-fifth Day of *March*, one thousand seven hundred and eighty.

further continued till 25 March, 1780; and by 20 Geo. 3. c. 19. till 1800.

20 GEORGII II. Cap. LII.

An Act for the King's most Gracious, General, and Free Pardon.

[So much thereof as relates to the *East-India Company.*]

Offences against Act 5 Geo. 1. c. 21.

and Act 7 Geo. 1. c. 21. excepted.

XL. AND also excepted out of this Act, all Offences committed or done contrary to an Act of Parliament, made in the fifth Year of the Reign of his late Majesty, King *George* the First, of glorious Memory, intituled, *An Act for the better securing the lawful Trade of his Majesty's Subjects to and from the* East-Indies; *and for the more effectual preventing all his Majesty's Subjects trading thither under foreign Commissions;* or contrary to an Act of Parliament made in the seventh Year of his said late Majesty King *George* the First, of glorious Memory, intituled, *An Act for the further preventing his Majesty's Subjects from trading to the* East-Indies, *under foreign Commissions; and for encouraging and further securing the lawful Trade thereto; and for further regulating the Pilots of* Dover, Deal, *and the* Isle of Thanet, and all Forfeitures and Penalties which any Person or Persons is, are, or may be liable to, by reason of any of the Offences committed against either of the said Acts, or contrary to any other Acts of Parliament made for the ascertaining, securing, or improving the Trade of the *East-India* Company to and in the *East-Indies*.

21 GEORGII II. Cap. II.

An Act for granting to his Majesty a Subsidy of Poundage upon all Goods and Merchandizes to be imported into this Kingdom; and for raising a certain Sum of Money by Annuities and a Lottery, to be charged on the said Subsidy; and for repealing so much of an Act made in the twentieth Year of his present Majesty's Reign, as enacts, That Prize Goods and Merchandize may be exported without paying any Duty of Custom or Excise for the same.

Preamble.

MOST gracious Sovereign: We, your Majesty's most dutiful and loyal Subjects, the Commons of *Great-Britain* in Parliament assembled, for the better enabling your Majesty to defray the Charge of this present War, and for other your Majesty's most necessary and important Occasions, have given and granted unto your Majesty the further Subsidies, Rates, Duties, and Sums of Money, hereafter-mentioned; and do humbly beseech your Majesty, that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, over and above all Subsidies of Tonnage and Poundage, and over and above all additional Duties, Impositions, and other Duties whatsoever, by any other Act or Acts of Parliament, or otherwise howsoever already due and payable, or which ought to be paid to his Majesty, his Heirs or Successors, for or upon any Goods or Merchandizes, which from and after the first Day of *March*, which shall be in the Year of our Lord one thousand seven hundred and forty-seven, shall be imported or brought into the Kingdom of *Great-Britain*, one further Subsidy of Poundage of twelve Pence in the Pound shall be paid to his Majesty, his Heirs or Successors, upon all Manner of Goods or Merchandizes to be imported or brought into this Realm, or any his Majesty's Dominions to the same belonging, at any Time or Times after the said first Day of *March*, one thousand seven hundred and forty-seven, by the Importer of such Goods or Merchandizes, before the landing thereof, according to the several particular Rates and Values of the same Goods and Merchandizes, as the same are now particularly and respectively rated and valued, in the respective Books of Rate referred to by the Acts of the twelfth Year of the Reign of King *Charles* the Second, and the eleventh Year of his late Majesty, or by any other Act or Acts of Parliament, and so after that Rate or Value, or which do now pay any Duty *ad valorem*.

An additional Duty of 12d. in the Pound to be laid on all Goods imported;

according as the same are valued in the Books of Rates referred to by Acts 12 Car. 2. and 11 Geo. I. &c.

II. And whereas it may happen, that several Goods and Merchandizes may be imported by the *East India* Company, which are not rated by any Act of Parliament; be it enacted by the Authority aforesaid, That all such unrated Goods or Merchandizes shall pay the said Subsidy of five *per Centum* granted by this Act on the gross Price for which the Goods shall be sold at the Candle, without any Allowance or Deduction whatsoever; and that nothing in this Act shall any ways alter the present Method of computing the reduced Value and Duties, at present payable upon unrated *East-India* Goods, but the same shall be computed as if this present Act had never been made; and the Subsidy hereby granted shall be paid by the said United *East-India* Company, at the same Times as the other Subsidies on *East-India* Goods imported by the said Company are now due and payable; any Law or Custom to the contrary notwithstanding.

Unrated East-India Goods to pay 5l. per Cent. on the gross Price for which they shall be sold at the Candle.

III. And be it further enacted by the Authority aforesaid, That the Subsidy of Poundage hereby granted, shall be raised, levied, and collected by the respective Officers of his Majesty's Customs in this Kingdom, under the Management and Direction of the respective Commissioners of the Customs for the Time being; and shall be brought and paid, or answered, into the Receipt of his Majesty's Exchequer, for the Purposes in this Act mentioned (such additional Charge as shall be necessary for the Management of this Revenue only excepted), and that all and every the Clauses, Powers, Directions, Penalties, Forfeitures, Matters, and Things whatsoever contained in the said Act of the twelfth Year of the Reign of King *Charles* the Second, or in any other Laws or Statutes whatsoever now in Force, for raising, levying, collecting, answering, and paying the Subsidy of Tonnage and Poundage thereby granted, shall be applied, practised, and put into Execution, for the raising, levying, securing, collecting, answering, and paying the Subsidy of Poundage by this Act granted, as fully and effectually, to all Intents and Purposes, as if all and every the said Clauses, Powers, Directions, Penalties, and Forfeitures were particularly repeated, and again enacted in the Body of this present Act.

Duties how to be levied, &c.

IV. Pro-

IV. Provided always, That nothing herein contained shall extend, or be construed to extend, to any Goods or Merchandizes which were or are now allowed by the said Act of the twelfth Year of the Reign of King *Charles* the Second, or any other Act or Acts of Parliament, to be imported Duty-free; nor to any prohibited Goods or Merchandizes which may be imported by the United *East-India* Company.

This Act not to extend to Goods allowed to be imported Duty-free, nor to prohibited Goods imported by the East-India Company.

V. Provided also, and it is the true Intent and Meaning of this Act, That the Importers of Tobacco shall, upon paying down the Subsidy hereby granted, have the same Allowance with Respect to the Subsidy, as they are entitled to by any Law now in force upon Tobacco imported; but in case the said Subsidy hereby granted shall not be paid down as aforesaid, then the said Importers shall become bound to his Majesty, his Heirs or Successors, with one or more sufficient Sureties, to be approved of by the Collector of the Port where the Tobacco shall be imported, with the Consent of the Comptroller of such Port, in one or more Bond or Bonds, at the Election of the Importer, for Payment of the said Subsidy within eighteen Months, to commence at the End of thirty Days after the Master's Report of the Ship, or to commence from the Merchant's Entry of the Goods within those thirty Days, which shall first happen; any Thing herein contained to the contrary thereof in anywise notwithstanding.

Allowance to Importer of Tobacco.

Bond to be given on Nonpayment of the Duty.

VI. Provided always, and it is hereby enacted and declared by the Authority aforesaid, That in all Cases where any Goods or Merchandizes that have paid the Subsidy hereby granted, shall at any Time or Times be again exported by any Merchant or Merchants, within three Years from the Importation thereof, the Subsidy by this Act granted, and which shall have been actually paid for such Goods, Wares, or Merchandizes, shall, without any Delay or Reward, be repaid unto such Merchant or Merchants who shall export the same, or the Security vacated; except for such Goods or Merchandizes as by any former Act or Acts of Parliament it is declared no Drawback shall be paid or allowed upon Exportation, and except as is herein-after excepted in Relation to Prize Goods.

Drawback allowed upon Exportation within three Years.

Exception.

VII. And be it further enacted by the Authority aforesaid, That for every hundred Weight of Sugar imported into *Great-Britain*, after the said first Day of *March*, one thousand seven hundred and forty-seven, and refined there (and so in Proportion for a greater or lesser Quantity) that shall be exported out of this Kingdom, after the said first Day of *March*, one thousand seven hundred and forty-seven, during the Continuance of this Act, there shall be repaid at the Custom-house to the Exporter, within thirty Days after the Demand thereof, the Sum of three Shillings, over and above the present Bounties; Oath being first made by the Refiner, that the Sugar so exported was produced from Brown and *Muscovado* Sugar, charged by this Act, and that as he verily believes the same was imported from his Majesty's Plantations in *America*, and the Duty duly paid at the Time of the Importation thereof, the Exporter making Oath that the same was duly exported, and his Majesty's Searcher also certifying the shipping thereof, and all other Requisites being performed according to the respective Books of Rates.

Drawback of 3s. per hundred Weight on Sugar refined in Great Britain, and exported, &c.

VIII. And whereas by an Act of Parliament, made and passed in the twentieth Year of his Majesty's Reign, intituled, *An Act to continue several Laws relating to the Manufactures of Sail-cloth and Silk; to give further Time for the Payment of Duties omitted to be paid for the Indentures or Contracts of Clerks and Apprentices; and for better securing the Payment of the said Duties; and declaring that Prize Ships lawfully condemned shall be deemed* British-*built Ships; and for allowing Prize Goods to be landed and secured in proper Warehouses, without Payment of any Duty, until it can be determined whether they are fit for Exportation or Home Consumption*, it was amongst other Things enacted, That all Goods and Merchandizes that then had been, or should, during the Continuance of the present War with *France* or *Spain*, be taken from his Majesty's Enemies, and landed in any Ship or Vessel in any Port within the Kingdom of *Great Britain*, after being subject to the several Rules and Restrictions prescribed and mentioned in the said Act, might be exported again to foreign Parts by the Captors or other Owners thereof, without being liable to or paying any Duty of Custom or Excise for the same, as by the said Act, Relation being thereunto had, will more fully and at large appear: Be it therefore enacted by the Authority aforesaid, That so much of the said Act as relates to the Nonpayment of the said Duties of Custom or Excise on Prize Goods or Merchandizes lodged in Warehouses, and so exported as aforesaid, shall, from and after the first Day of *March*, one thousand seven hundred and forty-seven, be, and is hereby repealed and made void; and that the Subsidy hereby granted shall not be drawn back on the Exportation of any Prize Goods or Merchandizes taken by any of his Majesty's Ships or Vessels of War; any Thing in the said recited Act, or any other Act or Acts of Parliament, to the contrary notwithstanding.

Part of 20 Geo. 2. c. 45. repealed.

No Drawback allowed on Exportation of Prize Goods.

IX. And

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Books to be kept for entering the Monies coming in by this Act.

IX. And be it further enacted by the Authority aforesaid, That there shall be provided and kept in the Office of the Auditor of the Receipt of Exchequer at *Westminster*, a Book or Books, in which all the Monies hereby appointed to be paid into the said Receipt as aforesaid, shall be entered separate and apart from all other Monies paid or payable there to his Majesty, his Heirs or Successors, upon any Account whatsoever; and the said Money so appointed to be paid into the said Receipt of Exchequer as aforesaid, shall be the yearly Fund for the several Purposes herein-after mentioned.

Appropriation of the Duties.

X. And be it further enacted by the Authority aforesaid, That all and every the Annuities which by this Act shall be granted and made payable, in Respect of the principal Sum of six millions three hundred thousand Pounds, to be raised in Manner and Form as is herein-after directed; as also the additional Capital of ten Pounds in Lottery Tickets, herein-after directed to be added to every one hundred Pounds, advanced towards raising the said Sum of six million three hundred thousand Pounds, until Redemption thereof by Parliament, shall be charged and chargeable upon, and payable out of the several Subsidies, Rates, and Duties by this Act granted to his Majesty; and the said several Subsidies, Rates, and Duties shall be, and are hereby appropriated for that Purpose accordingly.

XI. And whereas several Persons, Natives, and Foreigners, Bodies politic and corporate, have subscribed and agreed to advance the said Sum of six million three hundred thousand Pounds, for the public Service, for the Purchase of Annuities after the Rate of four Pounds *per Centum per Annum*; and the said Subscribers or Contributors have, in Pursuance of a Resolution of the Commons of *Great-Britain* in Parliament assembled, deposited with and paid to the first or chief Cashier or Cashiers of the Governor and Company of the Bank of *England* for the Time being, the Sum of ten Pounds *per Centum* in Part of the principal Sums by them respectively subscribed as aforesaid; and have also paid to the said Cashier or Cashiers the further Sum of ten Pounds *per Centum*, on or before the twenty-eighth Day of *January*, one thousand seven hundred and forty-seven; and have also advanced and paid several other Sums of Money to the said Cashier or Cashiers, by Virtue and in Pursuance of the said Resolutions, in further Part of the said Sum of six millions three hundred thousand Pounds; and are desirous to pay the remaining principal Sums by them subscribed as aforesaid, at such Times, and in such Manner, as are herein-after appointed in that Behalf; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful, *&c. &c.*

'Contributors who have paid two-tenths to pay in the Remainder in the Proportions limited. 'Annuities to commence at *Michaelmas* 1748, at £4 *per Cent.* Cashiers of the Bank to give 'Receipts. The Receipts to be assignable. Cashier to give Security. Cashier to give Notes 'for Delivery of a Ticket in the Lottery for every 100*l.* subscribed, which is to carry £4 *per* 'Cent. Interest. Cashier to pay the Monies into the Exchequer. Treasury to apply the Money 'to the Services voted by Parliament. Contributors Names, *&c.* to be entered in the Office of 'the Accomptant General of the Bank. Duplicate to be transmitted into the Auditor's Office. 'The Monies appropriated to Payment of the Annuities, free from Taxes. Contributors to be 'allowed £5 *per Cent.* The Annuities to be transferrable at the Bank. Treasury to appoint 'Managers of the Lottery. Managers to meet together for executing their Powers. Method of 'the Lottery Books. Eight thousand seven hundred and fifty Tickets shall be Fortunate, three 'of them ten thousand Pounds principal, four five thousand Pounds, seven two thousand Pounds. 'Accomptant General to give Credit for the Sums named in the Certificates; which may be trans-'ferred, and carry 4 *per Cent.* Interest. Certificates to be cancelled, and Notes given. Cashier 'and Accomptant General to be appointed. Monies for Payment of the Annuities to be issued 'from the Exchequer, *&c.* Accomptant General to inspect the Cashiers Receipts. Annuities to 'be a personal Estate, *&c.* The Monies contributed to be a joint Stock, *&c.* and transferable. 'Books to be kept for Transfers. Entries to be signed by the Parties transferring and accept-'ing. Annuities devisable by Will, *&c.* The Bank to continue a Company till Redemption of 'the Annuities. No Fee for Payment of Contribution Money, or for Transfers. Treasury to 'pay the Charges of this Act out of the Duties, and appoint Salaries for the Cashiers and other 'Officers. Deficiencies to be made good. Sinking Fund to be replaced. Surplus Monies how 'to be applied. Clause of Redemption.'

21 GEORGII II. Cap. XIV.

An Act for permitting Tea to be exported to Ireland, *and his Majesty's Plantations in* America, *without paying the Inland Duties charged thereupon by an Act of the Eighteenth Year of his present Majesty's Reign; and for enlarging the Time for some of the Payments to be made on the Subscription of six million three hundred thousand Pounds, by virtue of an Act of this Session of Parliament.*

WHEREAS in and by an Act passed in the eighteenth Year of the Reign of his present Majesty, (intituled, *An Act for repealing the present inland Duty of four shillings* per *Pound weight upon all Tea sold in* Great Britain, *and for granting to his Majesty certain other inland Duties in Lieu thereof; and for better securing the Duty upon Tea, and other Duties of Excise; and for pursuing Offenders out of one County into another*), an inland Duty of one Shilling *per* Pound weight Averdupois, and in that Proportion for a greater or lesser Quantity, is charged upon all Tea which should be sold in *Great Britain* from and after the twenty-fourth Day of *June*, one thousand seven hundred and forty-five, and also a further Duty of twenty-five Pounds for every one hundred Pounds of the gross Price at which such Tea should be sold at the public Sales of the United Company of Merchants of *England* trading to the *East-Indies*, and proportionably for a greater or lesser Sum, over and above all Customs, Subsidies, and Duties, payable to his Majesty for the same upon the Importation thereof; which said several Duties of one Shilling *per* Pound weight, and twenty-five Pounds *per Centum*, it is thereby enacted should be paid down in ready Money by the Proprietor or Proprietors of such Tea, or such Person or Persons as should be appointed by him, her, or them, to the Receiver or Collector of the said Inland Duties, before such Proprietor or Proprietors, or other Person or Persons, should receive or take out for any Purpose whatsoever such Tea, from the Warehouse or Warehouses wherein the same was appointed to be lodged by an Act made in the tenth Year of the Reign of his late Majesty King *George* the First, according to the Directions of the said Act: And whereas the Importation of Tea into this Kingdom, by the said United Company of Merchants of *England* trading to the *East-Indies*, may be greatly increased, if the same be permitted to be exported to *Ireland*, and his Majesty's Plantations in *America*, without paying the Duties charged thereupon by the said Act: We your Majesty's most dutiful and loyal Subjects, the Commons of *Great Britain* in Parliament assembled, do most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the first Day of *June*, one thousand seven hundred and forty-eight, all such Tea as shall then have been or hereafter shall be imported into the Kingdom of *Great-Britain* from any foreign Parts, and which shall be afterwards exported to the Kingdom of *Ireland*, or to his Majesty's Plantations in *America*, and which shall have been duly entered, and for which the several Subsidies and additional Imposts due on the Importation thereof shall have been paid, or secured to be paid, and which shall have been carried or put into such Warehouse or Warehouses, as aforesaid, shall and may, from and after the said first Day of *June*, one thousand seven hundred and forty-eight, upon due entry thereof being made by the Proprietor or Proprietors thereof, or by such Person or Persons whom they shall appoint for that Purpose, be delivered out of any such Warehouse to the respective Proprietor or Proprietors thereof, or such Person or Persons as shall be appointed by him, her, or them, and who shall before such Delivery have duly entered the same for Exportation to *Ireland*, or his Majesty's Plantations in *America*, without Payment being made of all or any the respective Inland Duties charged or imposed upon the same by the said Act; any Thing therein contained to the contrary thereof in anywise notwithstanding; such Proprietor or Proprietors, or other Person or Persons, first giving Bond, with sufficient Security to his Majesty, his Heirs and Successors, to be approved of by the Commissioners of the said Inland Duties for the Time being, or any three of them, or by such Person or Persons as they shall, from Time to Time, appoint for that Purpose, in double the Value of the Goods, that the same, and every Part thereof, shall (the Dangers of the Seas and Enemies excepted) be really and truly exported to, and landed in such Port of the Kingdom of *Ireland*, or such Place in his Majesty's Plantations in *America*, for which the same has been so entered for Exportation, and that the same shall not be exported or carried to any

18 Geo. 2. c. 26.

10 Geo. 1. c. 10.

Tea permitted to be exported to Ireland and America without paying the Inland Duties.

Proprietor to give Bond for Exportation

Bond not to be discharged till a Certificate be produced of the landing.

any other Place or Country whatsoever, nor relanded in any Part of *Great-Britain*, or the Islands of *Guernsey*, *Jersey*, or *Man*, or either of them; and such Bonds so entered into, for the carrying such Tea into the Kingdom of *Ireland*, or to any of his Majesty's Plantations in *America*, which has not paid the Inland Duty herein-before mentioned, shall not be delivered up nor discharged, until a Certificate shall be produced under the Hands and Seals of the Collector, Comptroller, or Surveyer of the Customs of the Port in *Ireland*, or the Plantations in *America*, where such Tea shall be landed, testifying the landing thereof; and for the Future, the Condition of all such Bonds to be given for the Exportation of any such Tea to *Ireland*, shall be to produce such Certificate in six Months from the Date thereof (the dangers of the Seas and Enemies excepted), and the Condition of all such Bonds to be given for the Exportation of any such Tea to the Plantations in *America*, shall be to produce such Certificate in eighteen Months from the Date thereof (the Danger of the Seas and Enemies excepted); and in case no such Cercificate shall be produced within the respective Times herein-before mentioned, it shall and may be lawful for the said Commissioners of the said Inland Duties to cause such Bonds to be put in Suit, unless they shall find sufficient cause to forbear the same; any Law, Custom, or Usage to the contrary notwithstanding: And upon such Proprietor or Proprietors, or other Person or Persons, producing to the respective Keeper or Keepers of such Warehouses a Certificate or Certificates, signed by such Person or Persons as the Commissioners of his Majesty's Customs for the Time being, or any four of them, shall for that Purpose appoint, signifying that such Entry has been made, and that the several Subsidies and additional Imposts, due on the Importation thereof, have been paid or secured; and also producing a Certificate under the Hands of the Commissioners of the said Inland Duties, or any three of them, that such Security for Exportation hath been given as herein-before mentioned; which Certificate or Certificates the said Commissioners are hereby required to give accordingly; such Warehouse-keeper or Warehouse-keepers shall deliver out of such Warehouse or Warehouses, to such Proprietor or Proprietors, or other Person or Persons, in the same Package, and no other than that in which it was imported, so much Tea intended, and entered for Exportation to the aforesaid Places, and no other, as shall be mentioned or expressed in such Certificate or Certificates respectively, without Payment being made of all or any the respective Inland Duties charged or imposed thereon by the said Act; and the respective Warehouse-keeper and Warehouse-keepers are thereupon to give such Proprietor or Proprietors, or other Person or Persons, a Permit or Certificate to accompany such Tea so delivered out, till the same is shipped for Exportation; which Permit or Certificate shall be also signed by an Officer attending the said Warehouse or Warehouses, who shall be appointed by the Commissioners of the said Inland Duties, or the major Part of them, to prevent the seizing thereof; and such Proprietor or Proprietors, or other Person or Persons, shall, at and before the Tea therein-mentioned is shipped or laden on board the Ship or Vessel in which it is entered, and intended to be exported, deliver such Permit or Certificate to the Searcher, or other proper officer of the Customs of the Port from which such Tea is entered for Exportation, who is hereby enjoined and required (if he shall have Cause to suspect the Tea to be deficient in Quantity or Quality, from what is or shall be specified in the said Permit or Certificate) to open, weigh, search, and strictly examine all the Chests, Casks, and other Package, in which such Tea is contained, to see if the Goods agree in Quantity and Quality with the Permit or Certificate signed by the Officer of the said Inland Duties, as before-mentioned, and whether the same has been rightly and duly entered Outwards, and the Quantity and Quality rightly and truly expressed in the Exporters Indorsement upon his Entry; and if on such examination the same shall be found to be right entered, and that they agree in Quantity and Quality with the Permit or Certificate of the officers of the said Inland Duties, the Searcher or other proper Officer shall at his own Charge cause the same to be repacked (which Charge shall be allowed to the said Officer by the Commissioners of the Customs, if they think it reasonable); but in case the Officer shall on Examination find such Goods to be of any other Species or Quality, or to be more in Quantity or Quality than is expressed in such Permit or Certificate, or in the Exporter's Indorsement upon his Entry outwards, or that they shall have been entered under a wrong Denomination, whereby his Majesty would have been defrauded, all such Goods, together with the Chests, Casks, and other Packages containing the same, shall be forfeited and lost, and shall and may be seized and prosecuted by any Officer or Officers of the Customs, in such Manner and Form as herein-after is expressed.

Warehouse-keeper to deliver to the Proprietor the Tea specified in the Certificate.

and a Permit.

Proprietor to deliver the Permit to the Searcher.

Searcher's Duty in examining the Tea certified, &c.

Tea to be exported in the same Package, &c.

II. And it is hereby further enacted, That from and after the said first Day of *June*, one thousand seven hundred and forty-eight, no Tea shall be exported to the Kingdom of *Ireland*, or to any of his Majesty's Plantations in *America*, in any Chest, Cask, Tub or Package whatsoever, other than that in which it was originally imported into *Great-Britain*, nor in any less Quantities than in the entire Lot or Lots in which the same was sold at the Sale of the said United Company, under the Penalty of the Forfeiture of such Tea, and the Package containing the same.

III. And

Tea entered for Exportation to be marked on the Package and if found on Shore again to be seized.

III. And it is hereby further enacted, That from and after the said first Day of *June*, one thousand seven hundred and forty-eight, when any Tea is entered for Exportation to *Ireland*, or any of his Majesty's Plantations in *America*, the outside Package in which it is contained shall, by the Searcher or Searchers belonging to the Customs at the Port from whence the same is intended to be exported, after the Entry thereof, and before the same is shipped, be marked on four different Parts, on the Outside thereof, in such Manner as the Commissioners of the Customs shall direct: and if any Chest, Cask, Tub, or other Package, shall, after the same has been marked and shipped as aforesaid, be landed or found again on Shore, having such Marks thereon, such Chest, Cask, Tub, or other Package, with the Tea therein contained, shall be forfeited and lost, and shall and may be seized and prosecuted by any Officer or Officers of the Customs or inland Duties, in such Manner as herein-after is expressed.

Books to be kept for entering all Teas delivered out for Exportation.

A quarterly Account on Oath to be transmitted to the Commissioners, &c.

Penalty on Warehouse-keeper offending.

IV. And for preventing the clandestine delivering of Tea out of the Warehouses herein before mentioned, in Order for the Exportation thereof to the Kingdom of *Ireland*, or to his Majesty's Plantations in *America*; be it enacted by the Authority aforesaid, That the Keeper or Keepers of the said Warehouse or Warehouses, who shall be appointed by the Commissioners of his Majesty Customs and inland Duties, shall keep one or more Book or Books, wherein they shall fairly enter in Writing, an exact particular and true Account of all such Tea, which shall, from Time to Time, be delivered out of the said Warehouse or Warehouses for Exportation to *Ireland* or the Plantations in *America*, and the Names of the respective Person or Persons to whom, or for whose Use, the same was delivered out, and the particular Days and Times when the same was so delivered out; and shall at the End of every three Months, or oftner if required, transmit in Writing an Account thereof, upon Oath, to the said Commissioners of the Customs and inland Duties respectively for the Time being; and the said Commissioners are hereby required and enjoined, within one Month after the same shall have been transmitted to them, as aforesaid, to appoint one or more Person or Persons to inspect and examine the same Accounts; and if, upon Examination, it shall appear that any Tea has been delivered out for Exportation to *Ireland*, or the Plantations, otherwise than and under such Terms, Forms, and Conditions performed as herein are before directed, appointed, and required for the doing thereof; then the Warehouse-keeper and Warehouse-keepers offending therein shall not only be disabled to hold or enjoy any public Office or Employment, but shall also forfeit and lose for every such Offence the Sum of one hundred Pounds.

Disposition of the Forfeitures; and Method of recovering them.

V. And be it further enacted by the Authority aforesaid, That one Moiety of the several Penalties and Forfeitures in this Act before mentioned shall be to the Use of his Majesty, his Heirs and Successors, and the other Moiety shall be to the Use of such Person or Persons as shall inform, prosecute, or sue for the same (except in such Cases where any other Appropriation or Distribution is made by any other Act or Acts), and that all the same Penalties and Forfeitures shall and may be prosecuted and sued for, and the Causes and Controversies arising thereupon, tried, heard, and determined in any of his Majesty's Courts of Record at *Westminster*, or in the Court of Exchequer at *Edinburgh* respectively (except where any Provision to the contrary is made by any other Law or Statute now in Force), wherein no Essoin, Protection, Wager of Law, or more than one Imparlance, shall be allowed.

Defendant may plead the general Issue and recover treble Costs.

See further, 7 Geo. 3. c. 56. 17 Geo. 3. c. 27. and 24 Geo. 3. c. 38.

VI. And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons for any Thing done in Pursuance of this Act, the Defendant or Defendants in such Action or Suit may plead the general Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in Pursuance and by the Authority of this Act; and if it shall appear so to have been done, then the Jury shall find for the Defendant or Defendants; and if the Plaintiff shall be nonsuited, or discontinue his Action after the Defendant or Defendants shall have appeared, or if Judgement shall be given upon any Verdict or Demurrer against the Plaintiff, the Defendant or Defendants shall or may recover treble Costs, and have the like Remedy for the same, as Defendants have in other Cases by Law.

23 GEORGII II. Cap. I.

An Act for reducing the several Annuities, which now carry an Interest after the Rate of four Pounds per Centum per Annum, *to the several Rates of Interest therein mentioned.*

[So much thereof as relates to the *East-India Company.*]

Preamble.

MOST gracious Sovereign: Whereas there is now due and owing from the Public, to the Proprietors of certain Annuities payable at the Receipt of his Majesty's Exchequer, the Sum of three hundred and twelve thousand Pounds, and to the Corporation of the Governor and Company of the Bank of *England*, in their own Right, the Sum of eight millions four hundred eighty-six thousand eight hundred Pounds; and to the Proprietors of certain Annuities transferrable there, the Sum of eighteen millions four hundred two thousand four hundred seventy-two Pounds and ten Pence; and to the Corporation of the United Company of Merchants of *England* trading to the *East-Indies*, the Sum of three millions two hundred thousand Pounds; and also to the Governor and Company of Merchants of *Great-Britain* trading to the *South-Seas*, and other Parts of *America*, and for encouraging the Fishery, commonly called the *South-Sea Company*, in their own Right, and for the Use and Benefit of the Proprietors of the Annuities, commonly called the *Old South-Sea Annuities*, and *New South-Sea Annuities*, the Sum of twenty-seven millions three hundred two thousand two hundred three Pounds, five Shillings, and Sixpence Half-penny: All which said several and respective principal Sums do amount in the Whole to the Sum of fifty-seven millions seven hundred three thousand four hundred seventy-five Pounds, six Shillings and Four-pence Halfpenny, and are attended with Annuities, or an Interest after the Rate of four Pounds *per Centum per Annum*, redeemable by Parliament: And whereas your Majesty hath been pleased, by your most gracious Speech to both Houses assembled in Parliament, to recommend to your dutiful and faithful Commons of *Great-Britain*, to be watchful to improve any Opportunity of putting the national Debt in a Method of being reduced, with a strict Regard to public Faith and private Property; and your said dutiful and loyal Commons being truly sensible, that nothing can so effectually contribute to make the Trade of this Kingdom flourish, and render your Majesty's Reign glorious to Posterity, as the lessening the public Debts and Incumbrances, consistent with Justice and public Faith, have resolved, that any Person or Persons, Bodies politic or corporate, who now are, or hereafter may be, interested in, or intitled unto, any Part of the national Debt redeemable by Law, incurred before *Michaelmas*, one thousand seven hundred and forty-nine, which now carries an Interest after the Rate of four Pounds *per Centum per Annum*, and who shall, on or before the twenty-eighth Day of *February*, one thousand seven hundred and forty-nine, subscribe their Names, or signify their Consent to accept of an Interest of three Pounds *per Centum per Annum*, to commence from the twenty-fifth Day of *December*, one thousand seven hundred and fifty-seven, subject to the same Provisoes, Notices, and Clauses of Redemption, which their respective four *per Cents* are now liable to, shall in Lieu of their present Interest be intitled unto, and receive an Interest of four Pounds *per Centum per Annum* till the twenty-fifth Day of *December*, one thousand seven hundred and fifty; and from and after the said twenty-fifth Day of *December*, one thousand seven hundred and fifty, an Interest of three Pounds ten Shillings *per Centum per Annum*, until the said twenty-fifth Day of *December*, one thousand seven hundred and fifty-seven; and no Part of the same, except what is due to the *East-India* Company, shall be liable to be redeemed till after the said twenty-fifth Day of *December*, one thousand seven hundred and fifty-seven; and that all Executors, Administrators, Guardians, and Trustees, may subscribe and signify such Consent for the several Parts of the said Debt, for the holding of which their Names are made Use of respectively; and that all Duties, Revenues, and Incomes which now stand appropriated to the Payment of the said Inrerest of four Pounds *per Centum per Annum* respectively, shall continue, and be appropriated and applied to the Payment of the respective Interest of four Pounds *per Centum per Annum*, three Pounds ten Shillings *per Centum per Annum*, and three Pounds *per Centum per Annum*, in the same Manner as the same now stands appropriated to the Payment of the said four Pounds *per Centum per Annum*; and that the Surplusses of the said Funds, after the said twenty-fifth Day of *December*, one thousand seven hundred and fifty, shall be made Part of the *Sinking Fund*, and applied in the same Manner as the Surplusses of the said Funds are now applicable; and also that Books be opened at the Receipt of his Majesty's Exchequer, at the Bank of *England*, and *South-Sea* House, for receiving the said Subscriptions or Consent: They therefore

therefore do most humbly beseech your Majesty that it may be enacted: and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That any Person or Persons, Bodies politic or corporate, who now or hereafter may be interested in, or entitled unto, any Part of the said National Debt redeemable by Law, incurred before *Michaelmas*, one thousand seven hundred and forty-nine, amounting in the Whole to the Sum of fifty-seven millions seven hundred three thousand four hundred seventy-five Pounds, six Shillings, and Four-Pence Halfpenny, which now carries an Interest after the Rate of four Pounds *per Centum per Annum*, and who have or shall, on or before the said twenty-eight Day of *February*, one thousand seven hundred and forty-nine, subscribe their Names, or signify their Consent, to accept of an Interest of three Pounds *per Centum per Annum*, to commence from the said twenty-fifth Day of *December*, one thousand seven hundred and fifty-seven, subject to the same Provisoes, Notices, and Clauses of Redemption, which their respective four *per Cents.* are now liable to, shall, in lieu of their present Interest, be entitled unto, and receive an Interest of four Pounds *per Centum per Annum*, until the said twenty-fifth Day of *December*, one thousand seven hundred and fifty, and from and after the said 25th Day of *December*, one thousand seven hundred and fifty, an Interest of three Pounds ten Shillings *per Centum per Annum*, until the said twenty-fifth Day of *December*, one thousand seven hundred and fifty-seven; and no part of the same, except what is due to the *East-India* Company, shall be liable to be redeemed till after the said twenty-fifth Day of *December*, one thousand seven hundred and fifty-seven.

Persons interested in the National Debt, amounting to the Sum of 57,703,475*l.* 6*s.* 4*d.* sq. which now carries an Interest of 4*l.* per Centum per Annum;

and who shall signify their Consent to accept of 3*l.* per Cent. to commence from 25 Dec. 1757, shall, in Lieu of their present Interest, receive 4*l.* per Cent. until 25 Dec. 1750, an 1 3*l.* 10*s.* per Cent. until 25 Dec. 1757.

II. And be it further enacted by the Authority aforesaid, That the several Annuities of four Pounds *per Centum per Annum*, now payable in Respect of the said principal Sum of fifty-seven millions seven hundred three thousand four hundred seventy-five Pounds, six Shillings, and Four-Pence Half-penny, to the Proprietors thereof, and by this Act continued to them until the said twenty-fifth Day of *December*, one thousand seven hundred and fifty, as also the several and respective reduced Annuities of three Pounds ten Shillings *per Centum per Annum*, and three Pounds *per Centum per Annum*, by this Act made payable in lieu thereof, from the respective Days therein mentioned, shall, during the respective Continuances thereof, be paid and payable to the respective Persons and Corporations entitled thereunto, their Executors, Administrators, and Assigns, at the same respective Offices and Places, and out of the same Duties, Revenues, and Incomes, and at such Time or Times, and shall be assignable, transferrable, and disposeable, in the same Manner and Form, as the said Annuities of four Pounds *per Centum per Annum*, are now payable, assignable, transferrable, and disposeable, by the respective Acts or Statutes now in Force, for or concerning the same, and as if this present Act had never been made, subject nevertheless to Redemption by Parliament, from the said twenty-fifth Day of *December*, one thousand seven hundred and fifty-seven, in Manner herein-after mentioned; any Thing herein contained to the contrary thereof, in anywise notwithstanding.

The said several Annuities made payable and transferable in the same Manner as the present Annuities of 4*l.* per Cent.

subject to Redemption by Parliament, after 25 Dec. 1757.

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23 GEORGII II. Cap. XXII.

An Act for giving further Time to the Proprietors of Annuities, after the Rate of four Pounds per Centum per Annum, *to subscribe the same in the Manner, and upon the Terms, therein mentioned; and for redeeming such of the said Annuities as shall not be so subscribed; and for empowering the* East-India *Company to raise certain Sums by transferable Annuities.*

[So much thereof as relates to the *East-India Company.*]

Most Gracious Sovereign,

WHEREAS by an Act made and passed in this present Session of Parliament, intituled, *An Act for reducing the several Annuities which now carry an Interest after the Rate of four Pounds* per Centum per Annum, *to the several Rates of Interest therein* mentioned; it was, amongst other Things enacted, That any Person and Persons, Bodies politic or corporate, who were interested in, or intitled unto, any Part of the National Debt incurred before *Michaelmas*, one thousand seven hundred and forty-nine, redeemable by Law, which now carries an Interest after the Rate of four Pounds *per Centum per Annum*; and who should, on or before the twenty-eighth Day of *February*, one thousand seven hundred and forty-nine, subscribe their Names, or signify their Consents, in Books prepared for that Purpose, to accept of an Interest of three Pounds *per Centum*

23 Geo. 2. c. 1.

per

per Annum, to commence from the twenty-fifth Day of *December*, one thousand seven hundred and fifty-seven, subject to the same Provisoes, Notices, and Clauses of Redemption, which their respective four *per Cents.* are now liable to; should, in lieu of their present Interest, be entitled unto, and receive an Interest of four Pounds *per Centum per Annum*, until the twenty-fifth Day of *December*, one thousand seven hundred and fifty; and from and after the twenty-fifth Day of *December*, one thousand seven hundred and fifty, an Interest of three Pounds ten Shilling *per Centum per Annum*, until the twenty-fifth Day of *December*, one thousand seven hundred and fifty-seven; and that no Part of the same should be liable to be redeemed, except as therein is excepted, till after the said twenty-fifth Day of *December*, one thousand seven hundred and fifty-seven, as in and by the said Act, relation being thereunto had, may more fully appear: And whereas, in Pursuance of the Powers given by the before recited Act great Part of the said Annuities, after the said Rate of four Pounds *per Centum per Annum*, have been subscribed upon the Terms of the said Act: Now, we your Majesty's most dutiful and loyal Subjects, the Commons of *Great-Britan* in Parliament assembled, being truly sensible that the compleating the Reduction of the said Annuities, carrying an Interest of four Pounds *per Centum per Annum*, which remain unsubscribed, would be of public Service to the Nation, have Resolved, That any Person or Persons, Bodies politic or corporate, who now are, or hereafter may be, interested in, or intitled unto, such Part of the National Debt, incurred before *Michaelmas*, one thousand seven hundredand forty-nine, redeemable by Law, which now carries an Interest of four Pounds *per Centum per Annum*, as hath not been subscribed, in Pursuance of the said recited Act of this Session of Parliament, and who do, on or before the thirtieth Day of *May*, one thousand seven hundred and fifty, subscribe their Names, or signify their Consent, to accept of an Interest of three Pounds *per Centum per Annum*, to commence from the twenty-fifth Day of *December*, one thousand seven hundred and fifty-five, subject to the same Provisions, Notices, and Clauses of Redemption, which their respective four *per Cents.* are now liable to, shall, in lieu of their present Interest, be entitled unto, and receive, an Interest of four Pounds *per Centum per Annum*, until the twenty-fifth Day of *December*, one thousand seven hundred and fifty; and from and after the said twenty-fifth Day of *December*, one thousand seven hundred and fifty, an Interest of three Pounds and ten Shillings *per Centum per Annum*, until the twenty-fifth Day of *December*, one thousand seven hundred and fifty-five; and that no Part of the same shall be liable to be redeemed, until after the said twenty-fifth Day of *December*, one thousand seven hundred and fifty-five; and that such Part of the National Debt incurred before *Michaelmas*, one thousand seven hundred and forty-nine, redeemable by Law, which now carries an Interest of four Pounds *per Centum per Annum*, and which shall not be subscribed on or before the thirtieth Day of *May* one thousand seven hundred and fifty, be redeemed and paid off; and that your Majesty be enabled to borrow of any Person or Persons, Bodies politic or corporate, any Sum or Sums of Money, not exceeding such Part of the National Debt, carrying an Interest of four Pounds *per Centum per Annum*, redeemable by Law, as hath not been subscribed in Pursuance of the said Act, and shall not be subscribed according to the aforegoing Resolution, to be charged upon the sinking Fund; and to be applied to pay off and redeem such Part of the said National Debt, so unsubscribed as aforesaid, upon any Terms, not exceeding the Rates of Interest proposed in the said Resolution: And whereas several Notices have been given by the Speaker of the House of Commons, in Pursuance of the Resolution of the said House, that unless the said unsubscribed Annuities, carrying an Interest of four Pounds *per Centum per Annum*, be subscribed on or before the thirtieth Day of *May*, one thousand seven hundred and fifty, the same would be Redeemed and Paid off, according to the Terms in the said Notices contained respectively; That is to say, That so much of the Annuities transferrable at the Bank of *England*, created in the Year one thousand seven hundred and forty-six; and so much of the Annuities transferrable at the Bank of *England*, as were raised by a Lottery in the Year one thousand seven hundred and forty-seven, as have not been subscribed in pursuance of an Act passed this Session of Parliament, and shall not be subscribed on or before the thirtieth Day of *May*, one thousand seven hundred and fifty, will be redeemed and paid off on the twenty-fourth Day of *June*, one thousand seven hundred and fifty-one, agreeable to the Clauses and Powers of Redemption, contained in the several Acts of Parliament for creating the said Annuities respectively; that so much of the Annuities transferrable at the Bank of *England*, created in the Year one thousand seven hundred and forty-eight, as have not been Subscribed, pursuant to an Act passed this Session of Parliament, and shall not be subscribed on or before the thirtieth Day of *May*, one thousand seven hundred and fifty, will be redeemed and paid off, on the twenty-fifth Day of *March*, one thousand seven hundred and fifty-one, agreeable to the Clauses and Powers of Redemption, contained in the Act of Parliament for creating the said Annuities; that so much of the Annuities transferrable at the Bank of *England*, created in the Year one thousand seven hundred and forty-nine, as have not been subscribed, pursuant to an Act passed

Time given to 30 May, to the Proprietors of the four per Cent. Annuities, to subscribe, &c.

Such Part of the four per Cent Annuities as shall not be subscribed, to be paid off, His Majesty impowered to borrow Money on the sinking Fund to pay off the same.

passed this Session of Parliament, and shall not be subscribed on or before the thirtieth Day of *May*, one thousand seven hundred and fifty, will be redeemed and paid off on the twenty-ninth Day of *September*, one thousand seven hundred and fifty-one, agreeable to the Clauses and Power of Redemption, contained in the several Acts of Parliament for creating the said Annuities respectively; that so much of the Annuities charged upon wrought Plate, and payable at the Exchequer, as have not been subscribed, Pursuant to an Act passed this Session of Parliament, and shall not be subscribed on or before the thirtieth Day of *May*, one thousand seven hundred and fifty, will be redeemed and paid off on the twenty-fifth Day of *March*, one thousand seven hundred and fifty-one, agreeable to the Clauses and Powers of Redemption contained in the Act made in the sixth Year of the Reign of King *George* the First, for laying a Duty upon wrought Plate; that the Sum of four millions two hundred thousand Pounds, now due and owing to the United Company of Merchants trading to the *East-Indies*, will be redeemed and paid off in Manner and Form following, *videlicet*; one million and fifty thousand Pounds, on the twenty-fifth Day of *March*, one thousand seven hundred and fifty-one; one million and fifty thousand Pounds, on the twenty-fourth day of *June*, one thousand seven hundred and fifty-one; one million and fifty thousand Pounds, on the twenty-ninth Day of *September*, one thousand seven hundred and fifty-one; and the remaining Sum of one million and fifty thousand Pounds, on the twenty-fifth Day of *December*, one thousand seven hundred and fifty-one, unless the Sum of three million two hundred thousand Pounds be subscribed on or before the thirtieth Day of *May*, one thousand seven hundred and fifty: And therefore your faithful Commons do most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the Authority of the same, That such Notices as aforesaid shall be, and be deemed, adjudged, and taken to be good and sufficient Notice or Notices, within the true Intent and Meaning of the several Acts of Parliament for the Redemption of the said several Annuities, and the same shall be redeemable accordingly; any Thing in the same, or any other Act or Acts of Parliament to the contrary in any wise notwithstanding.

Notices given by the Speaker, &c. to be deemed good.

II. And be it enacted by the Authority aforesaid, That any Person or Persons, Bodies politic or corporate, who now are, or hereafter may be, interested in, or intitled unto, any part of the National Debt, incurred before *Michaelmas*, one thousand seven hundred and forty-nine, redeemable by Law, which now carries an Interest of four Pounds *per Centum per Annum*, as hath not been subscribed in Pursuance of the said recited Act of this present Session of Parliament; and who do, on or before the thirtieth Day of *May*, one thousand seven hundred and fifty, subscribe their Names, or signify their Consent, to accept of an Interest of three Pounds *per Centum per Annum*, to commence from the twenty-fifth Day of *December*, one thousand seven hundred and fifty-five, subject to the same Provisoes, Notices, and Clauses of Redemption, which their Respective four *per Cents.* are now liable to, shall, in lieu of their present Interest, be intitled unto, and receive, an Interest of four Pounds *per Centum per Annum*, until the twenty-fifth Day of *December*, one thousand seven hundred and fifty; and after the said twenty-fifth Day of *December*, one thousand seven hundred and fifty, an Interest of three Pounds ten Shillings *per Centum per Annum*, until the twenty-fifth Day of *December*, one thousand seven hundred and fifty-five; and that no Part of the same shall be liable to be redeemed, till after the said twenty-fifth Day of *December*, one thousand seven hundred and fifty-five.

The Proprietors subscribing within the Time limited, to be allowed an Interest after the several Rates mentioned.

III. And be it further enacted by the Authority aforesaid, That such Part of the National Debt, incurred before *Michaelmas*, one thousand seven hundred and forty-nine, redeemable by Law, which now carries an Interest at the Rate of four Pounds *per Centum per Annum*, and which shall not be subscribed before the said thirtieth Day of *May*, one thousand seven hundred and fifty, shall be redeemed and paid off.

Such Part of the said Annuities as shall not be subscribed, to be paid off.

IV. And be it further enacted by the Authority aforesaid, That in case the Sum of three million two hundred thousand Pounds, now due and owing to the United Company of Merchants trading to the *East-Indies*, carrying an Interest after the Rate of four Pounds *per Centum per Annum*, be not subscribed on or before the said thirtieth Day of *May*, one thousand seven hundred and fifty, upon the Terms herein-before mentioned; then, and in such case, not only the said Sum of three million two hundred thousand Pounds, but also the Sum of one million, now due and owing to the said United Company, at an Interest after the Rate of three Pounds *per Centum per Annum*, by Virtue of an Act of Parliament passed in the seventeenth Year of his Majesty's Reign, shall be redeemed and paid off.

The East-India Company not subscribing to be paid off.

V. Provided nevertheless, and be it further enacted, by the Authority aforesaid, That in case the said United Company shall, on or before the said thirtieth Day of *May*, one thousand seven hundred

The East-India Company subscribing within the Time limited,

hundred and fifty, signify their Consent to the Reduction of the Interest of four Pounds *per Centum per Annum*, now payable to the said United Company, in respect of the said principal Sum of three million two hundred thousand Pounds, to the several Rates of Interest before mentioned redeemable by Parliament, as aforesaid, and also that the said Sum of one million, due and owing to the said United Company, at an Interest after the Rate of three Pounds *per Centum per Annum*, by Virtue of the said Act of the seventeenth Year of his Majesty's Reign, shall remain and continue at the said Rate of three Pounds *per Centum per Annum*, until the same shall be redeemed and paid off, according to the Proviso contained in the said Act of the seventeenth Year of his Majesty's Reign in that Behalf; that then it shall and may be lawful to and for the said United Company, and they are hereby authorised and impowered, by and with the Consent and Approbation of the Commissioners of his Majesty's Treasury, or any three or more of them now being, or the High Treasurer, or any three or more of the Commissioners of the Treasury for the time being, at such Time or Times, and in such Manner, as they shall find to be most for the Advantage of the said United Company, to borrow, or take in by Subscription, or otherwise, from any Person or Persons, Bodies politic or corporate, who are willing to advance the same, any Sum or Sums of Money, not exceeding in the Whole the Sum of four million two hundred thousand Pounds, by Sale of Annuities, after the several Rates of Interest following; that is to say, any Sum or Sums, not exceeding three million two hundred thousand Pounds, by Sale of Annuities, after the several Rates of Interest herein-before proposed be paid, for the said Sum of three million two hundred thousand Pounds, in case the same shall be subscribed on or before the said thirtieth Day of *May*, one thousand seven hundred and fifty; and any Sum or Sums, not exceeding one million more, by Sale of Annuities, after the Rate of three Pounds *per Centum per Annum*; all which said Annuities shall be paid and payable to the respective Persons and Corporations intitled thereunto, their Executors, Administrators, or Assigns, at the Office of the said United Company, out of the same Duties and Revenues, as the present Annuities payable to the said United Company, in Respect of the said principal Sums of three million two hundred thousand Pounds, and one million, are now payable, and shall commence and be paid at such Feast-Days as shall be agreed upon between the said United Company, and the said several Contributors respectively; and that the said Sum of four million two hundred thousand Pounds, so to be advanced, or so much thereof as shall be advanced as aforesaid, and all and every the Annuities payable for and in respect of the same, shall be free of all Taxes, Charges and Impositions whatsoever; and shall be assignable or transferable in a Book or Books to be provided for that Purpose, in the Office of the said United Company, in such Manner as the said Commissioners of the Treasury, or any three or more of them now being, or the said High Treasurer, or any three or more of the Commissioners of the Treasury for the Time being, shall direct in that Behalf, without Fee, or Gratuity, and free from all Charges; and that the said Annuities shall be deemed and taken to be a personal, and not a real Estate, and shall go to the Executors or Administrators of the Person or Persons dying possessed thereof, interested therein, or intitled thereunto, and not to the Heir at Law; subject nevertheless to such or the like Proviso or Condition of Redemption by the Public, as the said Sums of three million two hundred thousand Pounds, and one million, due to the said Company, would be subject, in case such Subscription by the said Company, on or before the said thirtieth Day of *May*, one thousand seven hundred and fifty, and the said Sums had then remained due from the Public to the said Company.

are impowered, with Consent of the Treasury, to borrow 4,200,000*l.* at the several Rates of Interest granted by this Act &c.

The Annuities to be free of Taxes, and assignable;

and a personal Estate;

subject to Redemption by Parliament.

VI. And be it enacted by the Authority aforesaid, That the several Powers given to the said United Company, by several Acts of Parliament now in force, of raising Money by Bonds under their common Seal for the carrying on the Trade of the said Company, and lending Money on Bottomry, and otherwise, as in the said Acts, some or one of them, is mentioned, shall continue and be in force, but that the Amount of the Sums which the said United Company shall raise by Sale of Annuities by Virtue of this Act, as aforesaid, shall be by them applied towards the discharge of their present Bond-Debt; and shall be computed and considered as Part of what they are so impowered to borrow.

The Powers given to the Company of raising Money by Bonds, &c. continued; the Money to go to paying their present Bond-Debt.

VII. And be it enacted by the Authority aforesaid, That it shall and may be lawful to and for the King's most Excellent Majesty, by Warrant under his Royal Sign Manual, to authorise and impower the Commissioners of the Treasury, or any three or more of them now being, or the High Treasurer, or any three or more of the Commissioners of the Treasury for the Time being, to raise by Loans or Exchequer Bills, or by Way of Subscription, or in such other Manner or Form as his Majesty shall, in his great Wisdom, think most for the Advantage of the Public, from any Person or Persons, Bodies politic or corporate, any Sum or Sums of Money, not exceeding such Part of the National Debt, carrying an Interest of four Pounds *per Centum per Annum*, redeemable by Law, as hath not been subscribed in Pursuance of an Act of this Session of Parliament,

and

Power given to his Majesty to borrow Money on the Sinking Fund, to pay off unsubscribed Annuities.

and shall not be subscribed according to the Proposal herein-before mentioned, to be charged on the Sinking Fund, and to be applied to pay off and redeem such Part of the National Debt so unsubscribed as aforesaid, upon any Terms not exceeding the Rate of Interest in the aforegoing Proposal mentioned.

VIII. And be it further enacted by the Authority aforesaid, That the several Annuities of four Pounds *per Centum per Annum*, now payable in Respect of the said principal Sum unsubscribed by the Proprietors thereof, and by this Act continued to them until the twenty-fifth Day of *December*, one thousand seven hundred and fifty, as also the several reduced Annuities of three Pounds ten Shillings *per Centum per Annum*, and three Pounds *per Centum per Annum*, by this Act made payable in Lieu thereof, from the respective Days therein-mentioned, shall, during the respective Continuances thereof, be paid and payable to the respective Persons and Corporations intitled thereunto, their Executors, Administrators, or Assigns, at the same respective Offices and Places, and out of the same Duties, Revenues and Incomes, and at such Time and Times, and shall be assignable, transferrable, and disposable in the same Manner and Form, as the said Annuities of four Pounds *per Centum per Annum* are now payable, assignable, transferrable, and disposable by the respective Acts and Statutes now in Force, for or concerning the same, and as if this present Act had never been made; subject nevertheless to Redemption by Parliament, from the said twenty-fifth Day of *December*, one thousand seven hundred and fifty-five, in Manner hereinafter mentioned; any Thing herein contained to the contrary thereof in any wise notwithstanding.

The reduced Annuities made payable and transferrable as the four per Cents.

XIV. Provided always, and it is hereby enacted by the Authority aforesaid, That from and after the said twenty-fifth Day of *December*, one thousand seven hundred and fifty-five, the said reduced Annuities of three Pounds *per Centum per Annum*, shall and may be redeemed by Parliament, upon giving the same Notices, and making the same Payments of principal Money at a Time to such Persons or Corporations as now are, or hereafter shall be, intitled to the said Annuities, and of all Arrearages of the said Annuities, as are directed to be given and made by the several respective Acts, by which the said several Annuities, after the Rate of four Pounds *per Centum per Annum*, were made payable, and from and after Payment of any such principal Money, to the said Persons or Corporations, as are or shall be entitled to the same, a proportional Part of the said Annuities shall cease and determine, and be understood to be redeemed; any Thing in this or any other former Act or Acts of Parliament to the contrary in any wise notwithstanding.

Clause of Redemption.

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24 GEORGII II. Cap. LVI.

An Act for ascertaining the Admeasurement of Wheat, Meal, or other Corn or Grain ground, for which a Bounty is payable upon Exportation; and for making Allowances to the East-India *Company for their Charges and Expences in managing, paying, and transferring their reduced Annuities.*

[So much thereof as relates to the *East-India Company*.]

II. And be it further enacted by the Authority aforesaid, That the Commissioners of his Majesty's Treasury, or any three or more of them now being, or the High Treasurer, or any three or more of the Commissioners of the Treasury for the Time being, shall, and they are hereby authorised and empowered to make such Allowances to the United Company of Merchants of *England* trading to the *East-Indies*, as they shall think just and reasonable for the Charges and Expences attending the receiving, paying, transferring, and transacting the Affairs of the several Annuities, amounting to the principal Sum of three millions, created in Pursuance of an Act of the last Session of Parliament (intituled, *An Act for giving further Time to the Proprietors of Annuities, after the Rate of four Pounds* per Centum per Annum, *to subscribe the same, in the Manner, and upon the Terms therein mentioned; and for redeeming such of the said Annuities as shall not be so subscribed, and for empowering the* East-India *Company to raise certain Sums by transferable Annuities*), which said Allowances so to be made to the said United Company, shall be charged upon, and paid out of the same Duties and Revenues as are appropriated for the Payment of the Annuities aforesaid.

Treasury to make Allowances to the East-India Company, for their Charges in making, paying, and transferring their reduced Annuities.

Act 23 Geo. 2. c. 22.

27 GEORGII II. Cap. IX.

An Act for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the United Company of Merchants of England *trading to the* East-Indies; *and for the Punishment of Offences committed in the* East-Indies, *or at the Island of* Saint Helena.

For further Powers to hold Courts-martial, see 1 Geo. 3. c. 14.

WHEREAS the United Company of Merchants of *England* trading to the *East-Indies*, are possessed of several principal Settlements in the *East-Indies*, and of several Settlements or Factories subordinate to such principal Settlements, and are also possessed of the Island of *Saint Helena*: And for the Safety and Protection of the said Settlements and Places, and for the better carrying on of their Trade to the Advantage of this Nation, the said United Company, at their own Costs and Charges, do maintain and keep a Military Force for the Garrison and Defence of the said Settlements, Factories, and Places; and it being requisite for the retaining of such Forces in their Duty, that an exact Discipline be observed, and that Soldiers who shall Mutiny, or stir up Sedition, or shall desert the said Company's Service, be brought to a more exemplary and speedy Punishment than the usual Forms of the Law do allow; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the twenty-fifth Day of *March*, one thousand seven hundred and fifty-four, if any Person being mustered or in pay as an Officer, or who is or shall be listed, or in the said Company's pay as a Soldier in any of their Settlements, or in the said Island of *Saint Helena*, respectively, shall, at any Time after the Publication of this Act, in their principal Settlements, and in the said Island of *Saint Helena*, respectively, and within such Time as such Officer or Soldier shall have contracted and agreed to serve the said United Company, begin, excite, cause, or join in, any Mutiny or Sedition in the Company, Troop, or Regiment whereto he doth belong, or in any other Company, Troop, or Regiment in the said United Company's Service; or shall not use his utmost Endeavours to suppress the same, or coming to the Knowledge of any Mutiny, or intended Mutiny, shall not without Delay give Information thereof to his commanding Officer; or shall desert the said United Company's Service; or being a Soldier actually listed in any Regiment, Troop, or Company, shall list himself in any other Regiment, Troop, or Company, without a Discharge produced in Writing from the Officer commanding in chief the Regiment, Troop, or Company, in which he last served as a listed Soldier; or shall be found sleeping upon his Post, or shall leave it before relieved; or if any Officer or Soldier in the said United Company's Service shall, either upon Land, or upon the Sea, hold Correspondence with any Rebel to his Majesty, or with any Enemy of his Majesty, or of the said United Company; or give them Advice or Intelligence either by Letters, Messages, Signs, or Tokens, in any Manner or Way whatsoever; or shall treat with such Rebels or Enemies, or enter into any Condition with them without the Licence of the said United Company, or of the said United Company's President and Council, at any of their said principal Settlements, or of the said United Company's Governor and Council at *Saint Helena*, or without the Licence of the General, Lieutenant General, or Chief Commander of the said Company's Forces; or shall strike or use any violence against his superior Officer, being in the Execution of his Office; or shall disobey any lawful Command of his superior Officer; all and every Person and Persons so offending in any of the Matters before-mentioned shall suffer Death, or such other Punishment as by a Court-martial shall be inflicted.

Every Officer or Soldier in the Company's Service, who, after Publication of this Act,

shall Mutiny, or Desert, &c.

or list in any other Regiment, &c.

or shall be found sleeping on, or shall desert his Post, or correspond with the Enemy,

or shall strike, or not obey his superior Officer; shall suffer Death, or such Punishment as a Court-martial shall inflict.

II. And be it further enacted by the Authority aforesaid, That his Majesty may grant a Commission or Warrant under his Royal Sign Manual, unto the Court of Directors of the said United Company, who, by Virtue of such Commission or Warrant, shall have Power under the Seal of the said United Company to authorise and empower their President and Council for the Time being, at their said principal Settlements respectively, or the major Part of them, and their Governor and Council for the Time being at the said Island of *Saint Helena*, or the major Part of them, from Time to Time to appoint Courts-martial; and to authorise and empower the Commander in Chief of any Detachment of any of the Officers or Soldiers employed in the said Company's Service, to appoint Courts-martial for the Trial of any of the Officers or Soldiers under their respective Commands; in which Courts-martial all the Offences above-mentioned, and all other Offences herein-after specified, shall be tried and proceeded against in such Manner as by this Act shall be hereafter directed.

The King may grant a Commission to hold Courts-martial, &c.

III. Pro-

III. Provided always, and be it enacted, That when and so long as any of his Majesty's Forces shall be employed to act in defence of any of the said Company's Settlements, or to assist against any of their Enemies in the *East-Indies*, the Power of appointing Courts-martial, or authorising such Appointment as aforesaid, shall be in the Commander in Chief of such his Majesty's Forces for the Time being, over such of the said Company's Officers and Soldiers as shall belong to the principal Settlement where or from whence such Forces shall be employed.

The Commander in Chief to appoint Courts-martial.

IV. And be it also further enacted, That it shall and may be lawful to and for such Courts-martial, by their Sentence or Judgment, to inflict corporal Punishment on any Soldier for Immoralities, Misbehaviour, or neglect of Duty.

Immoralities, or neglect of Duty, punishable by Courts-martial.

V. And it is hereby further enacted, That no general Court-martial which shall have Power to sit by Virtue of this Act, or by any Authority from the Commander in Chief of his Majesty's Forces, or by Appointment of the President and Council of any of the said United Company's principal Settlements, or the major Part of them, shall consist of a less Number than nine; whereof none to be under the degree of a Commission Officer; and the President of such general Courts-martial shall neither be the Commander in Chief, or Governor of the Garrison where the Offender shall be tried, nor under the Degree of a Captain; and that no general Court-martial, which shall have Power to sit by Virtue of this Act, by Appointment from the Governor and Council of *Saint Helena*, or the major Part of them, shall consist of a less Number than five, whereof none to be under the Degree of a commissioned Officer; and the President of such general Court-martial shall neither be the Commander in Chief, or Governor of the Garrison where the Offender shall be tried, nor under the Degree of a Lieutenant; and that such Courts-martial shall have Power and Authority, and are hereby required to take and administer such Oaths, and to proceed in such Manner as his Majesty shall from Time to Time think fit to order and direct, by any Rules or Orders under his Royal Sign Manual; and no Sentence of Death shall be given against any Offender in such Case by any general Court-martial, unless two-thirds of the Officers present shall concur therein; and no Proceeding or Trial shall be had upon any Offence, but between the Hours of eight of the Clock in the Morning and three in the Afternoon, except in Cases which require an immediate example.

General Courts-martial not to consist of a less Number than nine.

President of the Court.

General Court-martial at Saint Helena, not to consist of less than five.

President of such Court.

Courts-martial may administer Oaths.

Two-thirds of the Officers present to concur in all Sentences of Death.

VI. Provided always, and it is hereby enacted by the Authority aforesaid, That every Judge Advocate, or Person officiating as such at any general Court-martial, do, and he is hereby required to transmit, with as much Expedition as the Opportunity of Time and Distance of Place can admit, the original Proceedings and Sentence of such Court-martial to his Majesty's Commander in Chief for the Time being, in case such Court-martial shall be held by Virtue of his Warrant or Authority as aforesaid, or to the President and Council of such of the said United Company's principal Settlements, by Virtue of whose Warrant or Authority the same shall be held; or unto the Governor and Council at *Saint Helena*, if the same shall be held within their Jurisdiction; which said original Proceedings and Sentence shall be carefully kept and preserved by such Commander in Chief, or by such President and Council, or Governor and Council respectively; to the End that the Persons intitled thereto may be enabled, upon Application to them, to obtain Copies thereof according to the true Intent and Meaning of this Act.

Judge Advocate to transmit to the Commander in Chief, &c. the original Proceedings.

VII. Provided also, and it is hereby declared and enacted, That no Officer or Soldier being acquitted or convicted of any Offence, be liable to be tried a second Time by the same or any other Court-martial for the same Offence; and that no Sentence given by any Court-martial, and signed by the President thereof, be liable to be revised more than once.

No Person to be tried a second Time for the same Offence.

Sentence not liable to be revised more than once.

VIII. Provided always, and be it enacted, That it shall and may be lawful to and for his Majesty to form, make, and establish Articles of War, for the better Government of the said United Company's Forces, and for bringing Offenders against the same to Justice; and to erect and constitute Courts-martial, with Power to try, hear, and determine any Crimes or Offences by such Articles of War, and inflict Penalties by Sentence or Judgment of the same, as well within the said United Company's Limits of Trade, as in the said Island of *Saint Helena*.

The King may make Articles of War.

IX. Provided always, That no Person or Persons shall be adjudged to suffer any Punishment extending to Life or Limb, by the said Articles, in Time of Peace, except for such Crimes as are expressed to be so punishable by this Act.

No Punishment to extend to Life or Limb in Peace, except by this Act.

X. Provided also, That no Person or Persons being acquitted or convicted of any capital Crimes, Violences, or Offences, by the civil Magistrate, shall be liable to be punished by a Court-martial for the same, otherwise than by cashiering.

Capital Crimes cognizable by the civil Magistrate punishable by cashiering.

Offenders against the Laws to be delivered up to the civil Magistrate.

Officers neglecting to deliver up such Offenders,

disabled to hold any Military Office.

Conviction thereof to be affirmed at the Quarter Sessions, and a Certificate transmitted to the President and Council.

Persons employed in the trains of Artillery included.

XI. Provided also, That if any Officer, Non-commission Officer, or Soldier, shall be accused of any capital Crime, or of any Violence or Offence against the Person, Estate, or Property of any of his Majesty's Subjects, which is punishable by the known Laws of the Land, the Commanding Officer or Officers of every Regiment, Troop, Company, or Party, is and are hereby required to use his utmost Endeavours to deliver over such accused Person to the civil Magistrate, and shall also be aiding and assisting to the Officers of Justice in the seizing and apprehending such Offender, in order to bring him to trial: And if any such commanding Officer shall wilfully neglect or refuse, upon Application made to him for that Purpose, to deliver over any such accused Person to the civil Magistrate, or to be aiding and assisting to the Officers of Justice in apprehending such Offender; every such Officer so offending, and being thereof convicted before two or more Justices of the Peace for the Settlement or Place where the Fact is committed, by the Oath of two credible Witnesses, shall be cashiered, and shall be utterly disabled to have or hold any Military Office or Employment in the said United Company's Service in the *East-Indies*; provided the said Conviction be affirmed at the next Quarter Sessions of the Peace for the said Settlement or Place, and a Certificate thereof be transmitted to the President and Council of such principal Settlement, who are hereby obliged to certify the same to the next Court-martial.

XII. And whereas it may otherwise be doubted whether the Officers and Persons employed in the several Trains of Artillery be within the Intent and Meaning of this Act; it is hereby enacted by the Authority aforesaid, That the Officers and Persons employed, or that shall be employed in any of the Trains of Artillery, be deemed in all Respects whatsoever within the Intent and Meaning of this Act.

Offences committed by the Company's Presidents, Council, or Governors,

may be enquired of in the Court of King's Bench, or before Commissioners appointed by his Majesty in England. Further provided for 1 Geo. 3. c. 14.; 10 Geo. 3. c. 47.; 13 Geo. 3. c. 63.; 24 Geo. 3. c. 25.; and 26 Geo. 3. c. 57.

XIII. And be it further enacted by the Authority aforesaid, That if any of the said United Company's Presidents or Council, at their respective principal Settlements, or any of them, or their Governor or Council at the said Island of *Saint Helena*, shall, after the said twenty-fifth Day of *March*, one thousand seven hundred and fifty-four, be guilty of Oppressing any of his Majesty's Subjects beyond the Seas, within their respective Jurisdictions or Commands, or shall be guilty of any other Crime or Offence contrary to the Laws of that Part of *Great Britain* called *England*, or in Force within their respective Jurisdictions or Commands; such Oppression, Crimes, and Offences, may be enquired of, heard, and determined in his Majesty's Court of King's Bench, within that Part of *Great-Britain* called *England*; or before such Commissioners, and in such County of that Part of *Great-Britain* called *England*, as shall be assigned by his Majesty's Commission, and by good and lawful Men of the same County; and such Punishment shall be inflicted on such Offenders, as are usually inflicted for Offences of the like Nature committed in that Part of *Great-Britain* called *England*.

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31 GEORGII II. Cap. XXII.

An Act for granting to his Majesty several Rates and Duties upon Offices and Pensions; and upon Houses; and upon Windows or Lights; and for raising the Sum of five million, by Annuities and a Lottery, to be charged on the said Rates and Duties.

[So much thereof as relates to the *East-India Company*.]

Act 8 Geo. 1. c. 22.

LXXX. AND whereas Doubts may arise, whether the Punishment inflicted in and by an Act of Parliament made and passed in the eighth Year of the Reign of his late Majesty King *George* the First, intituled, *An Act to prevent the Mischiefs by foreign Powers to transfer such Stocks, or to receive such Annuities or Dividends, as are thereinmentioned, or by fraudulently personating the true Owners thereof; and to rectify Mistakes of the late Managers for taking Subscriptions for increasing the capital Stock of the* South-Sea *Company, and in the Instruments founded thereupon*, on Persons guilty of the several Species of Forgery, and other Offences therein mentioned, extends to the Commission of the like Forgery and Offences in Relation to such capital Stocks and Funds as have been established by the Authority of Parliament, since the passing of the said Act, and may be hereafter established; be it therefore enacted by the Authority aforesaid, That if any Person or Persons whatsoever, from and after the first Day of *July*, one thousand seven hundred and fifty-eight, shall forge or counterfeit, or procure to be forged or counterfeited, or knowingly and wilfully act or assist in the forging or counterfeiting,

Penalty in the recited Act of forging or counterfeiting Letters of Attorney, in order

to sell, or transfer Stock in any of the Funds, &c. or to receive any Dividends or Annuities thereon, &c. extended to this Act, &c.

terfeiting any Letter of Attorney, or other Authority or Instrument, to transfer, assign, sell, or convey any Share or Shares, or any Part of any Share or Shares, of or in any such capital Stock or Funds of any Body or Bodies politic or corporate established, or which shall be established, by any Act or Acts of Parliament; or to receive any Dividend or Dividends attending any Share or Shares, or any Part of any Share or Shares, of or in any such capital Stock or Funds as aforesaid; or to receive any Annuity or Annuities, or in Respect whereof any Proprietor or Proprietors have or shall have any transferable Share or Shares of or in any capital Stock or Stocks which now are, or hereafter shall be, established by any Act or Acts of Parliament, in Proportion to their respective Annuities; or shall forge or counterfeit, or procure to be forged or counterfeited, or knowingly and wilfully act or assist in the forging or counterfeiting any the Name or Names of any the Proprietors of any such Share or Shares in Stock, or of any the Persons intitled to any such Annuity or Annuities, Dividend or Dividends, as aforesaid, in or to any such pretended Letter of Attorney, Instrument, or Authority; or shall knowingly or fraudulently demand, or endeavour to have, any such Share or Shares in Stock, or any Part thereof, transferred, assigned, sold, or conveyed, or such Annuity or Annuities, Dividend or Dividends, or any Part thereof, to be received by Virtue of any such counterfeit or forged Letter of Attorney, Authority, or Instrument; or shall falsely and deceitfully personate any true and real Proprietors of the said Shares in Stock Annuities and Dividends, or any of them, or any Part thereof, and thereby transferring or endeavouring to transfer the Stock, or receiving or endeavouring to receive the Money, of such true and lawful Proprietor, as if such Offender were the true and lawful Owner thereof; then, and in every or any such Case, all and every such Person and Persons, being thereof lawfully convicted in due Form of Law, shall be deemed guilty of Felony, and suffer Death as a Felon, without Benefit of Clergy.

Penalty in the Act of 2 Geo. 2. c. 25.

LXXXI. And whereas Doubts may arise whether the Punishment inflicted in and by an Act of Parliament made and passed in the second Year of the Reign of his present Majesty, intituled, *An Act for the more effectual preventing, and further Punishment of Forgery, Perjury, and Subornation of Perjury; and to make it Felony to steal Bonds, Notes, or other Securities, for Payment of Money*, on Persons guilty of the several Species of Forgery therein mentioned, extends to the Commission of the like Forgeries with an Intention to defraud any Corporation; be it therefore enacted by the Authority aforesaid, That if any Person, from and after the first Day of *July*, one thousand seven hundred and fifty-eight, shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or willingly act or assist in the false making, forging, or counterfeiting, any Deed, Will, Testament, Bond, Writing obligatory, Bill of Exchange, promissory Note for Payment of Money, Indorsement or Assignment of any Bill of Exchange, or Promissory Note for Payment of Money, or any Acquittance or Receipt, either for Money or Goods, with an Intention to defraud any Corporation whatsoever; or shall utter, or publish as true, any false, forged, or counterfeited Deed, Will, Testament, Bond, Writing Obligatory, Bill of Exchange, promissory Note for Payment of Money, Indorsement or Assignment of any Bill of Exchange or promissory Note for Payment of Money, Acquittance or Receipt, either for Money or Goods, with Intention to defraud any Corporation, knowing the same to be false, forged, or counterfeited; then every such Person, being thereof lawfully convicted according to the due Course of Law, shall be deemed guilty of Felony, and suffer Death as a Felon, without Benefit of Clergy.

of forging or publishing any Deed, Will, Obligation, Acquittance, etc. with Intent to Defraud any Corporation, extended to this Act.

Anno

Anno primo

GEORGII III. Regis.

CAP. XIV.

An Act to extend the Provisions relating to the holding of Courts-Martial, and to the Punishment of Offences committed in the East-Indies, *contained in the Act made in the Twenty-seventh Year of his late Majesty's Reign, intituled,* An Act for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the United Company of Merchants of *England* trading to the *East-Indies*; and for the Punishment of Offences committed in the *East-Indies*, or at the Island of *Saint Helena*; *to the said Company's Settlement of* Fort Marlborough, *and to such other principal Settlements, wherein the said Company may be hereafter impowered to hold Courts of Judicature.*

Preamble reciting the Act 27 Geo. 2. c. 9.

WHEREAS by an Act of Parliament passed in the twenty-seventh Year of the Reign of his late Majesty King *George* the Second, intituled, *An Act for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the United Company of Merchants of* England *trading to the* East-Indies; *and for the Punishment of Offences committed in the* East-Indies, *or at the Island of* Saint Helena, it was, amongst other Things, enacted, That his Majesty might grant a Commission or Warrant, under his Royal Sign Manual, unto the Court of Directors of the said United Company, who, by Virtue of such Commission or Warrant, should have Power, under the Seal of the said United Company, to authorise and impower their President and Council for the Time being, at their principal Settlements respectively, or the major Part of them, and their Governor and Council, for the Time being, at the said Island of *Saint Helena*, or the major Part of them, from Time to Time, to appoint Courts-Martial, and to authorise and impower the Commander in Chief of any Detatchment of any of the Officers or Soldiers employed in the said Company's Service, to appoint Courts-Martial for the Trial of any of the Officers or Soldiers under their respective Commands, in which Courts-Martial the Offences in the said Act mentioned should be tried and proceeded against in such Manner as by the said Act is directed; and it is by the said Act provided and enacted, That it should be lawful for his Majesty to form, make, and establish, Articles of War for the better Government of the said United Company's Forces, and for bringing Offenders against the same to Justice, and for other Purposes in the said Act mentioned: And whereas, after the passing of the said Act, and pursuant to the Powers therein, his said late Majesty was graciously pleased to grant a Commission or Warrant, under his Royal Sign Manual, for the Purposes in the said Act expressed, and also to form, make, and establish, certain Rules and Articles of War for the better Government of the Officers and Soldiers in the Service of the said United Company: And whereas his present Majesty hath been lately graciously pleased to grant to the said Company his Royal Charter for erecting and holding, at the said Company's Settlement of Fort *Marlborough* near *Bencoolen*, on the West-coast of the Island of *Sumatra* in the *East-Indies*, Courts of Judicature, as well for civil as criminal Causes, and for other Purposes in the said Charter mentioned and expressed: And whereas it will be greatly to the Advantage of the said United Company, that their Presidents and Council for the Time being, at their said Settlement of *Fort Marlborough*, and also at any other principal Settlement the said Company may hereafter be possessed of, and wherein the said Company shall be authorised to hold Courts of Judicature as hereinafter mentioned, should be impowered to appoint and hold Courts-Martial, under the like Powers and Authorities, and in like Manner, as the same may be appointed and held under the said Act at the said Company's other principal Settlements in the said Act mentioned; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That his Majesty, his Heirs or Successors, may, at any Time or Times hereafter, grant a Commission or Warrant, Commissions or Warrants, under his or their royal Sign Manual, unto the Court of Directors of the said United Company for the Time being, who, by Virtue of any such Commission or Warrant, shall have Power, under the Seal of the said United Company, to authorise and impower their Governor and Council for the Time being, at their said principal Settlement of *Fort Marlborough*, or the major Part of them, and their Governor and Council for the Time

His Majesty may authorise the Court of Directors to impower the Governor and Council of their principal Settlement at Fort Marlborough, or elsewhere where

Time being, at every or any other principal Settlement which the said United Company shall, at any Time or Times hereafter have, or be possessed of, within the Limits of Trade granted to the said Company, and wherein the holding of Courts of Judicature shall be authorised by any Charter or Letters Patent to be hereafter granted by his Majesty, his Heirs or Successors, from Time to Time, to appoint Courts-Martial; and to authorise and impower the Commander in Chief of any Detatchment of Officers or Soldiers employed in the said Company's Service, to appoint Courts-Martial for the Trial of any of the Officers or Soldiers under their respective Commands; in which Courts-Martial all the Crimes and Offences mentioned and specified in the said in Part recited Act, or in the said Rules and Articles of War already made, or in any other Rules and Articles of War to be hereafter made, Pursuant to the Powers given by the said recited Act, committed within the said principal Settlement of *Fort Marlborough*, or the Districts thereof, or within any such other principal Settlement as aforesaid, shall and may be tried and proceeded against; and the Sentences or Judgments passed upon such Offenders, executed in such and the like Manner, and with the like Powers and Authorities, under and subject to such and the like Restrictions and Regulations, and by the same Means, Methods and Proceedings, Manner and Form, as such or the like Offences committed in any of the said Company's principal Settlements in the said Act mentioned, may or can be tried and proceeded against by Virtue of the said Act and Articles of War, or either of them.

Courts of Judicature shall be authorised to appoint Courts-Martial for Trial of Offences.

II. And be it further enacted by the Authority aforesaid, That if any of the said United Company's Presidents, or Council, at their said Settlement of *Fort Marlborough*, or at any other Principal Settlement, wherein the said Company may be hereafter impowered to hold Courts of Judicature, shall be guilty of oppressing any of his Majesty's Subjects beyond the Seas, within their respective Jurisdictions or Commands, or shall be guilty of any other Crime or Offence contrary to the Laws of that Part of *Great-Britain* called *England*, or in Force within their respective Jurisdictions or Commands, such Oppression, Crimes, and Offences, may be enquired of, heard, and determined, in his Majesty's Court of King's Bench, within that Part of *Great-Britain* called *England*, or before such Commissioners, and in such County of that Part of *Great-Britain* called *England*, as shall be assigned by his Majesty's Commission, and by good and lawful Men of the same County; and such Punishment shall be inflicted on such Offenders, as are usually inflicted for Offences of the like Nature committed in that Part of *Great Britain* called *England*.

Oppressions, and other illegal Acts committed by the Presidents or Council, may be enquired into and punished by the Court of King's Bench, &c. in England. See further Provisions for Punishment of Offences committed in India in 10 Geo. 3.

c. 47. 13. G. 3. c. 63 24 G. 3. c. 25. and 26 G. 3. c. 57.

3 GEORGII III. Cap. xxii.

An Act for the further Improvement of his Majesty's Revenue of Customs; and for the Encouragement of Officers making Seizures; and for the Prevention of the clandestine Running of Goods into any Part of his Majesty's Dominions.

Preamble reciting Clause in Act 12 G. 1. c. 28.

WHEREAS by an Act passed in the twelfth Year of the Reign of his late Majesty King *George* the First, intituled, *An Act for the improvement of his Majesty's Revenues of Customs, Excise, and inland Duties*, the Commissioners of those Revenues are respectively impowered and directed to cause all Tea, Coffee, foreign Brandy, Rum or other foreign exciseable Liquors, which shall be seized by any Officers of the Customs or Excise, after Condemnation, to be publicly sold to the best Bidder, at such Places as the said Commissioners shall think proper; and to allow the Officers making such Seizures, for their Encouragement, one-third Part of the full Sum arising from the public Sale of all such Tea, Coffee, foreign Brandy, Rum, or other exciseable Liquors, free from all Charges of Condemnation and Sale; and to cause the remaining Part of the Produce of such Sales, after paying the Reward to the Officer, and the Charges of Condemnation and Sale for such Seizures, to be paid into the Receipt of his Majesty's Exchequer, in lieu of his Majesty's Moiety, as was then practised: And whereas by several subsequent Acts of Parliament, one Moiety of all Fines, Penalties and Forfeitures, imposed by any Act relating to the Duties of Excise, or any other Duty under the Management of the Commissioners of that Revenue, is given to his Majesty, his Heirs and Successors, and the other Moiety to him or them who shall discover, inform, or sue for the same; in Pursuance of which Laws the Officers of Excise seizing any of the Commodities herein-before enumerated, have been allowed a Moiety thereof: but the Provisions in those subsequent Laws, not extending to such Seizures when made by Officers of the Customs, they have

hitherto been allowed only one Third of the Produce thereof, pursuant to the Directions of the before-recited Act of the twelfth of *George* the First: And whereas the Power given by the said recited Act to the respective Commissioners of the Customs and Excise, to cause the Goods therein enumerated to be publicly sold, has been found very advantageous to the Revenue; and if the like power was extended in general to all Sorts of Goods, it would prevent many Frauds and illicit Combinations practised by Bidders in the Court of Exchequer, to the great Detriment of the public Revenue and the fair Trader: And whereas it is highly reasonable and just, as well as of public Utility, that the Officers of the Customs and Excise should have equal Encouragement to be vigilant in the Exertion of their Duty, to suppress the pernicious Practice of smuggling; to which End, may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, from and after the first Day of *May*, one thousand seven hundred and sixty-three, it shall and may be lawful to and for the Commissioners of his Majesty's Customs, to cause all Ships, Vessels and Boats, and all Goods of what Kind soever they may be (excepting only such Vessels, Boats and Goods as are by Law liable to be burnt) which shall be seized by any Officers of the Customs, for unlawful Importation, or for Nonpayment of Duties, or for any other Cause of Forfeiture, and condemned according to Law, to be sold publicly to the best Bidder, at such Places as the said Commissioners shall think proper; and all and every Officer who shall seize such Goods, shall, for his and their Encouragement, be allowed by the said Commissioners, one Moiety of the net Produce arising by the Sale of such Seizure, after deducting the Charges of Condemnation and Sale from the Whole; and the said Commissioners shall cause the other Moiety thereof to be paid into the Receipt of his Majesty's Exchequer, in lieu of his Majesty's Share thereof (excepting in those Cases which are otherwise provided for by this Act); any Law, Custom or Usage to the contrary notwithstanding.

Vessels or Goods seized to be publicly sold, after Condemnation, to the best Bidder:

Produce of the Sale how to be disposed of.

II. Provided always, and it is hereby declared and enacted by the Authority aforesaid, That after deducting the Charges of Condemnation and Sale from the gross Produce of all wrought Silks, Bengals, and Stuffs mixed with Silk or Herba, of the Manufacture of *Persia*, *China*, or *East-India*, and all Callicoes, painted, dyed, printed or stained there, which shall be seized and condemned in Pursuance of an Act passed in the eleventh and twelfth Years of the Reign of the late King *William* the Third, (intituled, *An Act for the more effectual employing the Poor, by encouraging the Manufactures of this Kingdom*) the said Commissioners of the Customs shall allow to the Officer or Officers who shall seize the same, two-third Parts of such net Produce, and cause the remaining third Part thereof to be paid into the Receipt of his Majesty's Exchequer; and that for all Wool, and any other of the Species of Goods enumerated in an Act passed in the twelfth Year of the Reign of his late Majesty King *George* the Second, (intituled, *An Act for taking off the Duties upon Woollen and bay Yarn imported from* Ireland *to* England, *and for the more effectual preventing the Exportation of Wool from* Great-Britain, *and of Wool, and Wool manufactured, from* Ireland *to foreign Parts)*, after deducting the Charges of Condemnation and Sale, the Remainder of the Produce shall be paid to the Officer who shall seize the same, in such Manner as by the said Act is directed; and that for all Tobacco, Tobacco Stalks and Snuff, which shall be burnt or destroyed in Pursuance of an Act passed in the twenty-fourth Year of the Reign of his late Majesty King *George* the Second (intituled, *An Act for the more effectual securing the Duties upon Tobacco)*, the Officer or Officers seizing the same shall be paid, in the Manner directed by that Act, three Pence for every Pound Weight of such Tobacco and Snuff, and one Penny for every Pound Weight of Tobacco Stalks; and that for such Tea as shall be burnt or otherwise destroyed by Order of the respective Commissioners of the Customs or Excise, pursuant to the Laws now in being, the Officers making the Seizure shall be rewarded in such Manner as the said Commissioners shall think proper, such Reward not exceeding two Shillings and six Pence for each Pound Weight of such Tea, in lieu of all other Allowances; any Thing in this or any other Act to the contrary notwithstanding.

Allowance to Officers out of the Produce of wrought Silks, Bengals, &c. seized and condemned in Pursuance of 11 & 12 Gul. 3. c. 10;

and of Wool, and other Goods enumerated, in 12 G. 2. c. 21;

and for Tobacco and Snuff burned, &c. pursuant to 24 Geo. 2. c. 41;

and for Tea.

III. Provided also, and it is hereby further enacted by the Authority aforesaid, That if the Produce of any particular Seizure, sold in Pursuance of this Act, shall not be sufficient to answer the Expences of Condemnation and Sale; or if, upon the Trial of any Seizure, a Verdict shall be given for the Claimant, and the Ship or Goods shall not be condemned; in either of those Cases, it shall and may be lawful for the Commissioners of his Majesty's Customs to Order the Charges attending the seizing and prosecuting such Ships or Goods, to be paid out of any Branch of the Revenue of the Customs which is by Law applicable to the Payment of Incidents; any Thing in this or any other Act of Parliament to the contrary notwithstanding.

If the Produce of any Seizure prove insufficient to pay Expences, how the Deficiency shall be supplied.

IV. And

IV. And whereas, for the more effectual Prevention of the infamous Practice of Smuggling, it may be necessary to employ several of the Ships and Vessels of War belonging to his Majesty, his Heirs and Successors, on the Coasts of *Great-Britain* and *Ireland*, and of the other Dominions and Colonies belonging to the Crown of *Great-Britain*; therefore, for the better Encouragement of all the Officers and Seamen employed in such Service to do their Duty therein, be it enacted by the Authority aforesaid, That it shall and may be lawful to and for his Majesty, his Heirs and Successors, to direct and appoint the Moiety herein-before mentioned, or any other Part of all and every the Seizure and Seizures that shall be made by such Officers or Seamen respectively, so employed as aforesaid, to be divided amongst all such Officers and Seamen of such Ship or Vessel of War, who shall make any such Seizure as aforesaid, in such Proportions, and in such Manner as his Majesty, his Heirs and Successors, shall think fit to order and direct, by any Order or Orders of Council, or by any Proclamation or Proclamations to be made or issued, from Time to Time, for that Purpose; and such Moiety, or other Part of the said Seizure or Seizures, shall be so paid and divided to and amongst all the Officers and Seamen of such Ship or Vessel of War accordingly.

The King to direct how the Share of such Seizures as shall be made by Vessels in his Service, shall be divided.

V. And whereas the Laws already made to prevent the clandestine importing and landing of foreign Brandy, Rum, strong Waters or other Spirits, Tea, Tobacco, Tobacco Stalks and Snuff, in small Vessels, which hover upon the Coasts of this Kingdom, have been found insufficient for that Purpose; be it further enacted by the Authority aforesaid, That from and after the first Day of *June*, one thousand seven hundred and sixty-three, if any foreign Brandy, Arrack, Rum, strong Waters or Spirits of any Kind whatsoever, shall be imported or brought into *Great-Britain*, or into any Port, Harbour, Haven or Creek thereof, in any Ship, Vessel, or Boat, of the Burthen of fifty Tons, or under (except only for the Use of the Seamen then belonging to and on board such Ship, Vessel or Boat, not exceeding two Gallons for every such Seaman), every such Ship, Vessel or Boat, with all her Tackle, Furniture and Apparel, and also all such Brandy, Arrack, Rum, strong Waters or Spirits, or the Value thereof, shall be forfeited and lost; and where any Brandy, Arrack, Rum, strong Waters or other Spirits, or any Tea, Tobacco, Tobacco Stalks or Stems stripped from the Leaf, or Snuff, is or are liable to Forfeiture, by Virtue of an Act made in the ninth Year of the Reign of his late Majesty King *George* the Second, intituled, *An Act for indemnifying Persons who have been guilty of Offences against the Laws made for securing the Revenue of Customs and Excise, and for enforcing those Laws for the future*, and by another Act made in the twenty-fourth Year of the Reign of his said late Majesty King *George* the Second, intituled, *An Act for the more effectual securing the Duties upon Tobacco*; or either of them, for being found on board any such Ship or Vessel at anchor, or hovering within the Limits of any of the Ports of this Kingdom, or within two Leagues of the Shore, as is particularly expressed in those Acts: It is hereby further enacted, That in every such Case the Ship or Vessel on board of which such Goods shall be so found, with all her Tackle, Furniture and Apparel, shall also be forfeited and lost, provided such Ship or Vessel doth not exceed the Burthen of fifty Tons.

Where any foreign Brandy, &c. not for the Ship's Use, shall be imported, in any Vessel of 50 Tons, or under, the same, with the Vessel and Furniture, shall be forfeited;

and in like Manner, where any Spirits, Tea, &c. are liable to forfeiture by 9 Geo. 2. c. 35; or 24 G. 2. c. 41;

the Vessel, if under 50 Tons, shall be forfeited, with her Apparel;

VI. And it is hereby further enacted by the Authority aforesaid, That every Ship or Vessel forfeited by this Act, shall be seized and prosecuted, and after Condemnation be burnt, destroyed, or used in his Majesty's Service by the Officers of the Customs or Excise, and the Tackle, Furniture and Apparel, disposed of and divided, and the Tonnage ascertained, in the same Manner as is directed by the Laws now in force, with respect to Vessels of forty Tons or under forfeited for importing foreign Brandy or other Spirits.

and the Vessels are to be disposed of, as Vessels of 40 Tons or under forfeited for importing foreign Brandy, etc.

VII. And it is also further enacted by the Authority aforesaid, That no Writ of Delivery shall be granted out of the Court of Exchequer, for any Ship, Vessel or Boat, that is liable to be burnt, destroyed, or used in his Majesty's Service by Virtue of this Act, or any other Act relating to the Customs or Excise, unless the Officer seizing the same shall delay proceeding to the Trial and Condemnation thereof for the Space of three Terms; and in that Case, not without good Security being given in double the appraised Value of such Ship, Vessel or Boat, to return the same upon Condemnation, in Order to be burnt, destroyed, or used in his Majesty's Service according to Law.

In what Cases Writs of Delivery may be issued out of the Exchequer for such Vessels.

VIII. And whereas by an Act passed in the eighth Year of the Reign of her late Majesty Queen *Anne*, for granting to her Majesty new Duties of Excise, and upon several imported Commodities; and by another Act passed in the fifteenth and sixteenth Years of the Reign of his late Majesty King *George* the Second, for further regulating the Plantation Trade, and several other Purposes; it is amongst other Things enacted, That every Person, upon entry of any Claim in the Court where

Clauses in Act 8 Anne. c. 7; and 15 & 16 G. 2. c. 31.

where any prohibited or uncustomed Goods, or any Ship, Vessel or Boat, shall be prosecuted, shall be obliged to give Security, in the Penalty of thirty Pounds, to answer and pay the Costs occasioned by such Claim; and in Default of giving such Security within the Time limited by the Course of that Court for entering such Claim, such Goods, Ships, Vessels or Boats shall be recovered: And whereas many Persons have, from the Smallness of the Penalty, been induced to enter groundless Claims in fictitious Names, with a View to put the Officers of the Revenue to vexatious Trouble and Delay, as well as to deter them from prosecuting Seizures legally made, by putting them to an extraordinary Expence, often Times more than the Value of the Goods seized, which tends very much to the Prejudice of the public Revenue, and to the Discouragement of the Officers thereof in the Execution of their Duty: To remedy therefore this Inconvenience for the Future, be it enacted by the Authority aforesaid, That, from and after the first Day of *May*, one thousand seven hundred and sixty-three, every Person, upon Entry of any Claim in the Court where any Goods, Ships, Vessels, or Boats, shall be prosecuted, shall be obliged to give Security, in the Penalty of sixty Pounds, to answer and pay the Costs occasioned by such Claim; and in default of giving such Security within the Time limited by the Course of that Court for entering claims, such Goods, Ships, Vessels or Boats, shall be adjudged to be forfeited, and shall be condemned; any Thing in the before-recited Acts, or any other Acts of Parliament, to the contrary notwithstanding.

Claimant, upon entering his Claim, to give Security in 60*l.* to pay Costs; or the Goods and Vessel be condemned.

IX. And whereas by certain Clauses in an Act made in the fifth Year of the Reign of his late Majesty King *George* the First, intituled, *An Act against clandestine running of uncustomed Goods, and for the more effectual preventing of Frauds relating to the Customs*, (which Clauses have been continued by several subsequent Acts), it was declared and enacted, That where any Ship or Vessel of the Burden of fifty Tons, or under, laden with customable or prohibited Goods, should be found hovering on the Coasts of this Kingdom, within the Limits of any Port, and not proceeding on her Voyage for foreign Parts, or to some other Port of this Kingdom, Wind and Weather permitting, it should and might be lawful to and for any Officer or Officers of his Majesty's Customs, to go on board of every such Ship or Vessel, and to take an Account of the Lading, and to demand and take Security from the Master, or other Person having or taking the Charge or Command of such Ship or Vessel in that Voyage, by his own Bond by him to be entered into unto his Majesty, his Heirs and Successors, in such Sum or Sums of Money as should be treble the value of such foreign Goods then on board, with Condition that such Ship or Vessel, as soon as Wind and Weather, and the State and Condition of such Ship or Vessel permitted, should and would proceed regularly on such Voyage, and should land such foreign Goods in and at some foreign Port or Ports; and if such Master, or other Person having or taking the charge or Command of such Ship or Vessel, should, upon such demand, refuse to enter into such Bond, or having entered into such Bond, should not depart or proceed regularly on such Voyage as soon as Wind and Weather and the State and Condition of such Ship or Vessel should permit, unless otherwise suffered to make a longer Stay by the Collector, or other principal Officer in his Absence, of such Port where such Ship or Vessel should be, not exceeding twenty Days, then, and in either of the said Cases, all the foreign Goods so on board such Ship or Vessel, should and might by any Officer or Officers of the Customs, by Direction of the Collector, or other principal Officer aforesaid, be taken out of and from such Ship or Vessel, and forewith brought on Shore and secured; and in Case the said Goods were customable, the Customs and other Duties should be paid for the same: And as concerning Wool, or any prohibited Goods, or other Goods liable to forfeiture, which might be found on board such Ships or Vessels at the Time of their unlading as aforesaid, the same were thereby declared to be subject to forfeiture, and the Officers of the Customs should and might prosecute the same, as also the Ship or Vessel, in Case she should be liable to Condemnation, as in the Manner therein-after mentioned; and that after such Goods were so taken out of such Ship or Vessel, and brought on Shore and secured by such Officer or Officers, such Bond so to be given as aforesaid, should be void and delivered up, without any Fee or Reward for taking or delivering up the same; and such Bond, not being otherwise discharged, should, on a proper Certificate, returned under the common Seal of the chief Magistrate in any Place or Places beyond the Seas, or under the Hands and Seals of two known *British* Merchants upon the Place, that such Goods were there landed, or upon Proof by creditable Persons, that such Goods were taken by Enemies, or perished in the Seas (the Examination and Proof thereof being left to the Judgment of the Commissioners of the Customs), should be vacated and discharged: And whereas the extending of the said Clauses to the Rest of his Majesty's Dominions, may be a Means of preventing illicit Trade; be it therefore enacted by the Authority aforesaid, That from and after the first Day of *July*, one thousand seven hundred and sixty-three, the said Clauses, and every Part of them, shall be extended to all Ships and Vessels of the Burden of fifty Tons or under, which shall be

Clauses in Act 5 G. 1. c. 11.

The recited Clauses, respecting customable or prohibited

be found hovering on the Coasts of *Ireland*, or any other of his Majesty's Dominions or Territories belonging to the Crown of *Great-Britain*, [illegible] Force in every Respect, in regard to all such Ships and Vessels found hovering on any of the Coasts [illegible] as such Clauses now are, or shall be construed to be, in regard to any Ships or Vessels hovering on the Coasts of this Kingdom; and all Offences which shall be committed against the said Clauses, or any Part of them, on the Coasts of *Ireland*, shall be tried, and the Penalties and Forfeitures thereby incurred shall be prosecuted for and recovered, in any of his Majesty's Courts of Record in *Dublin* in the said Kingdom; and all Offences which shall be committed against the said Clauses, or any Part of them, on the Coasts of any other of his Majesty's Dominions or Territories except this Kingdom) shall be tried, and the Penalties and Forfeitures thereby incurred shall be prosecuted for and recovered, in any Court of Admiralty, in the Dominion or Territory on the Coasts whereof such Offence shall be committed (which Court of Admiralty is hereby authorised, impowered and required to proceed to hear and determine the same), or in any Court of Record in such Dominion or Territory, at the Election of the Informer or Prosecutor, according to the Course and Method used and practised there in Prosecutions for Offences against penal Laws relating to the Customs or Excise; and such Penalties and Forfeitures so recovered there, shall be divided and applied in such and the same Manner as Penalties and Forfeitures recovered in *Great-Britain* for the like Offences are, or in Pursuance of this Act may be, directed to be divided and applied.

Goods on board Vessels of 50 Tons or under, found hovering on the Coasts of Britain, extended to all such like Vessels found hovering on any of the Coasts or Ireland; and the said Offences to be tried, &c. in Dublin. Offences in other Parts to be prosecuted in the Court of Admiralty, &c. of the Place;

and the Forfeitures to be divided and applied as those in Great-Britain.

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5 GEORGII III. Cap. XLVI.

An Act for altering the Stamp Duties upon Admission into Corporations or Companies; and for further securing and improving the Stamp Duties in Great-Britain.

[So much thereof as relates to *Policies of Assurance.*]

III. AND whereas it has been a common Practice to make one Policy of Assurance on Ships, Cargoes, or both, serve for several and distinct Purposes, to the great Diminution of his Majesty's Revenue; to prevent which for the Future, be it further enacted by the Authority aforesaid, That from and after the fifth Day of *July*, one thousand seven hundred and sixty-five, if the Properties of more than one Person in any Ship, Cargo, or both, or of more than a particular Number of Persons in general Partnership, or of more than one Body politic or corporate, to a greater Amount in the Whole than the Sum of one hundred Pounds in any Ship, Cargo, or both, be assured on the same Policy, such Policy shall be void, and the Premium paid thereon shall remain the Property of the Assurer; and that if an Risk or Adventure distinct from the Risk or Adventure mentioned in the original Policy, and upon which any further Premium shall be given, shall be, by any Writing or Declaration not duly stamped, added to the said original Policy, such additional Assurance shall be void, and the Premium paid thereon shall remain the Property of the Assurer.

Where the Properties of more than one Person, &c. in a Ship, or Cargo, shall be assured for upwards of 100*l.* in the same Policy, the Policy is void and the premium remains to the Insurer.

IV. Provided always, That it may and shall be lawful to assure, or cause to be assured, the Properties of any Number of Persons whatsoever, in any Ship, Cargo, or both, by one Policy stamped with five Stamps of five Shillings each; any Thing herein contained to the contrary notwithstanding.

Any Number may be assured on one Policy, with five Stamps of 5*s.* each. See Stat. 7 Geo. 3. c. 44. 8 Geo. 3. c. 25.

6 GEORGII III. Cap. XIII.

An Act to remove a Doubt concerning such Part of an Act made in the last Session of Parliament, as relates to the ascertaining of the Duties upon the Importation of certain Linen Cloth of the Manufacture of Russia; *and to obviate all Doubts with Respect to the Importation of Tea, under certain Licences authorised to be granted by an Act made in the eighteenth Year of the Reign of his late Majesty.*

[So much thereof as relates to the *East-India Company.*]

Act 18 Geo. 2. c. 26.

II. AND whereas by an Act of Parliament, made in the twenty-eighth Year of the Reign of his late Majesty King *George* the Second, intituled, *An Act for making more effectual the Laws prohibiting the Importation of spirituous Liquors in Casks or Vessels not containing sixty Gallons, and of Tea above the Quantity of six Pounds, found on board any* British *Ship or Vessel, not belonging to, or employed by the* East-India *Company*; reciting, amongst other Things, that, notwithstanding the several Provisions made for preventing Frauds, Ships and Vessels arriving from foreign Parts frequently had on board Tea, which Tea was intended to be run on Shore, without Payment of the Duties thereof; but in Order to prevent the Seizure and Forfeiture thereof, was brought into Port, under Pretence that it was designed for Exportation, and was frequently reported for Exportation to foreign Parts, and nevertheless was afterwards run on Shore; it was therefore enacted, That, from and after the twenty-fourth Day of *June*, one thousand seven hundred and fifty-five, all Tea above the Quantity of six Pounds, which should be found in any *British* Ship or Vessel arriving in *Great Britain* from foreign Parts, excepting those belonging to, or employed by, the *East-India* Company, shall be forfeited and lost, whether such Tea should be intended or reported for Exportation or not: And whereas Doubts have arisen, whether the Powers contained in an Act made in the eighteenth Year of his said late Majesty's Reign, intituled, *An Act for repealing the present Inland Duty of four Shillings per Pound Weight upon all Tea sold in* Great Britain, *and for granting to his Majesty certain other Inland Duties in Lieu thereof; and for better securing the Duty upon Tea, and other Duties of Excise; and for pursuing Offenders out of one County into another*; to grant Licences to any Person or Persons, Body or Bodies politic or corporate (other than the *East-India* Company) for the Importation of Tea into this Kingdom from any Part of *Europe*, were not repealed by the said Act made in the twenty-eighth Year of his said Majesty's Reign: Now, for obviating such Doubts, be it declared and enacted by the Authority aforesaid, That the said Act, made in the twenty-eighth Year of his said late Majesty's Reign, was not intended to extend, and doth not extend, to hinder or prevent the granting of any Licence whatsoever, for the Importation of Tea into this Kingdom from any Parts of *Europe*, in Pursuance of the Powers contained in the said Act made in the eighteenth Year of the Reign of his said late Majesty; or to hinder or prevent any Person or Persons, Body or Bodies politic or corporate, other than the *East-India* Company, from importing any Quantity of Tea, not exceeding the Quantities for which any such License hath been or shall be granted, in any *British* Ship whatsoever, navigated according to Law, or to make Tea so imported liable to Forfeiture; any Thing in the said Act notwithstanding.

The Act of 28 Geo. 2. declared not intended to prevent the granting Licences for the Importation of Tea from any Parts of Europe; or to hinder any Persons, other than the East-India Company, from duly importing any Quantity of Tea, so as not to exceed the Quantities licensed. See more concerning Teas in 7 Geo. 3. c. 56.; 8 Geo. 3. c. 25.

7 GEORGII III. Cap. XLV.

An Act for encouraging and regulating the Trade and Manufactures of the Isle of Man; *and for the more easy Supply of the Inhabitants there with a certain Quantity of Wheat, Barley, Oats, Meal, and Flour, authorised by an Act made in this Session to be transported to the said Island.*

[So much thereof as relates to *Tea.*]

Most Gracious Sovereign,

Preamble.

WHEREAS the Property of the *Isle of Man* being now vested in your Majesty, your Heirs and Successors, in Pursuance of an Act made in the fifth Year of your Majesty's Reign, intituled, *An Act for carrying into Execution a Contract made, pursuant to the Act of Parliament of the twelfth of his late Majesty King* George *the First, between the Commissioners of his Majesty's Treasury and the Duke and Duchess of* Atholl, *the Proprietors of the* Isle of Man, *and their Trustees, for the Purchase of the said Island and its Dependencies, under certain Exceptions therein particularly mentioned*; it is expedient that Provision be made for encouraging, improving, and regulating the Trade and Manufactures of the said Island, and the Fisheries on the Coasts thereof: And whereas it is necessary that a Revenue should be raised, in the said *Isle of Man*, to answer these Purposes, and to defray the Expenses of Government there: We, your Majesty's most dutiful and loyal Subjects, the Commons of *Great-Britain* assembled in Parliament, being desirous to make some Provision for the Purposes aforesaid, do most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the fifth Day of *July*, one thousand seven hundred and sixty-seven, the Duties payable to his Majesty in the said *Isle of Man* on all Goods imported there, or exported from thence, shall cease, determine, and be no longer paid; and that in Lieu thereof there shall be raised, levied, collected, and paid unto his Majesty, his Heirs and Successors, the following Duties for and upon the Goods and Merchandizes hereinafter mentioned, which shall be brought or imported into the said *Isle of Man*; that is to say,

Act 5 Geo. 3. c. 26.

Former Duties payable on Goods imported or exported, repealed.

New Duties.

For every Gallon of *British* Spirits imported from that Part of *Great-Britain* called *England*, one Shilling.

For every Gallon of Rum, the Produce of the *British* Plantations, imported from *England*, one Shilling and six Pence.

For every Pound Weight of Bohea Tea imported from *England*, one Shilling.

For every Pound Weight of Green Tea imported from *England*, one Shilling and six Pence.

For every Pound Weight of Coffee imported from *England*, nine Pence.

For every Pound Weight of Tobacco imported from *England*, two Pence.

For every Chaldron of Coals, *Winchester* Measure, imported from *Great-Britain* or *Ireland*, three Pence.

For and upon all Hemp, Iron, Deal Boards, and Timber, imported from foreign Parts, five Pounds *per Centum ad valorem*.

For every Ton of *French* Wine imported, four Pounds.

For every Ton of all other Sorts of Wine imported, two Pounds; and after these Rates for any greater or less Quantity of such Wine.

For and upon all Sorts of Corn and Grain imported from *England*, for which any Bounty shall have been allowed and paid upon the Exportation thereof, ten Pounds *per Centum ad valorem*.

For all other Goods, Wares, and Merchandizes whatsoever, which are or may be intitled to any Bounty, or to any Drawback of the Duties of Excise, on Exportation, in *Great-Britain*, which shall

shall be imported from *Great Britain* into the said *Isle of Man*, five Pounds *per Centum ad valorem*.

For and upon all Goods, Wares, and Merchandizes whatsoever, not herein-before particularly charged (except such Goods as are exempt from Duty by this Act), imported from *Great-Britain* or *Ireland*, two Pounds ten Shillings *per Centum ad valorem*.

And for and upon all Goods, Wares, and Merchandizes whatsoever, not herein-before particularly charged (except such as are exempt from Duty by this Act), imported from any other Port or Place from whence such Goods may be lawfully imported into the said *Isle of Man*, fifteen Pounds *per Centum ad valorem*.

Duties to be paid in ready Money, without any Discount; and to be raised and levied under Authority and Direction of the Commissioners of the Treasury, &c.

II. And it is hereby further enacted by the Authority aforesaid, That the several Rates and Duties herein-before granted, shall be paid down in ready Money, without any Discount or Allowance; and shall be raised, levied, collected, paid, and recovered, under the Authority and Direction of the Commissioners of the Treasury, or the Lord High Treasurer for the Time being, in like Manner and Form, and by the same Rules, Regulations, and under such Penalties and Forfeitures, as the Duties of Customs, payable in *Great-Britain*, are raised, levied, collected, and recovered, as fully and effectually, to all Intents and Purposes, as if the several Clauses, Powers, Directions, Penalties, and Forfeitures, relating thereto, were particularly repeated, and again enacted in the Body of this present Act; and (except the necessary Charges of raising, collecting, levying, recovering, answering, paying, and accounting for the same) the said Rates and Duties shall, from Time to Time, be brought and paid into the Receipt of his Majesty's Exchequer, distinctly and apart from all other Branches of the publick Revenue; and such Part thereof as shall Remain, after the necessary Expenses attending the Government of the said *Isle of Man*, and the Administration of Justice there, are from Time to Time defrayed, shall be reserved for the Disposition of Parliament.

Goods allowed to be imported Duty-free from any Place, except Great-Britain.

III. And it is hereby further enacted by the Authority aforesaid, That from and after the said fifth Day of *July*, one thousand seven hundred and sixty-seven, it shall and may be lawful for any Person or Persons to import into the said *Isle of Man*, in any Ship or Vessel, from any Port or Place whatsoever, any Flax or Flax Seed, raw or brown Linen Yarn, Wood Ashes, and Weed Ashes, Fish and Flesh of all Sorts, and any sort of Corn or Grain, from any Part or Place whatsoever (except from *Great-Britain* only), without Payment of any Custom or other Duty whatsoever.

Goods, &c. allowed to be imported Duty-free from Great-Britain or Ireland;

IV. And it is hereby further enacted by the Authority aforesaid, That from and after the said fifth Day of *July*, one thousand seven hundred and sixty-seven, it shall and may be lawful for any of his Majesty's Subjects to import into the said *Isle of Man*, in *British* Vessels navigated according to Law, from any Port or Place in *Great-Britain* or *Ireland*, any Sort of white or brown Linen Cloth, and Hemp, or Hemp Seed, being the Produce or Manufacture of *Great-Britain* or *Ireland*; Horses and black Cattle; all Utensils and Instruments fit and necessary to be employed in Manufactures, Fisheries, or Agriculture; Bricks and Tiles; all Sorts of young Trees, Sea Shells, Lime, and Soapers' Waste, Packthread and small Cordage for Nets, without Payment of any Custom or Duty whatsoever for the same.

from Great-Britain only.

Act 8 Geo. 1. c. 12.

V. And it is hereby further enacted by the Authority aforesaid, That from and after the said fifth Day of *July*, one thousand seven hundred and sixty-seven, it shall and may be lawful for any of his Majesty's Subjects to import into the said *Isle of Man*, in *British* Vessels navigated according to Law, from any Port or Place in *Great-Britain*, without Payment of any Custom or Duty whatsoever, any Sort of Salt, Boards, Timber, and Hoops, being the Produce and Manufacture of *Great-Britain*; Iron in Rods or Bars, Cotton, Indigo, Naval Stores, and any Sort of Wood commonly called *Lumber* (as specified in an Act passed in the eighth Year of the Reign of King *George* the First, intituled, *An Act for giving further Encouragement for the Importation of Naval Stores, and for other Purposes therein mentioned*), of the Growth, Production, or Manufacture, of any *British* Colony or Plantation in *America*; and all other Goods of the Growth, Production, or Manufacture of the said Colonies or Plantations, for which any Bounty or Premium is allowed by Law on the Importation thereof into *Great-Britain*.

Due Entry to be made of the Goods so imported;

VI. Provided always, and it is hereby further enacted by the Authority aforesaid, That due Entries shall be made of the Goods herein-before mentioned, which are allowed to be imported into the said *Isle of Man*, Duty free, at the Custom House for the Port or Place where the same shall be imported, expressing the Quantity and Qualities of such Goods, in the usual Manner, before landing thereof, and the same shall be landed in the Presence of the proper Officer

Officer of the Customs for that Purpose; on Failure whereof, the said Goods shall be liable to the Duty of fifteen Pounds *per Centum ad Valorem*; any Thing in this Act contained to the contrary notwithstanding.

which shall be landed in the Presence of an Officer.

Restrictions and Limitations to be observed with Respect to the Importation of the several Articles here mentioned.

VII. And it is hereby further enacted by the Authority aforesaid, That from and after the said fifth Day of *July*, one thousand seven hundred and sixty-seven, no Linen Cloth shall be imported into the said *Isle of Man*, but such only as shall be *bonâ Fide* and without Fraud, laden and shipped in *Great-Britain* or *Ireland*, and carried directly from thence; and no Glass or Woollen Manufactures shall be imported into the said *Isle of Man*, but such only as shall be *bonâ Fide* laden and shipped in *Great-Britain*, and carried directly from thence; and no Teas, Brandy, strong Waters, or other Spirits whatsoever, Coffee, or Tobacco, shall be imported into the said *Isle of Man*, but such only as shall be *bonâ Fide* and without Fraud, laden and shipped at some Port of *England*, and carried directly from thence, under the Restrictions and Limitations herein-after mentioned; upon the Forfeiture of all such Goods as shall be imported or carried contrary to the true Intent and Meaning of this Act, or the Value thereof, together with the Ship or Vessel in which the same shall be imported or carried, with all her Guns, Furniture, Ammunition, Tackle, and Apparel; to be seized by any Officer or Officers of the Customs, and prosecuted and sued for as herein-after directed; any Law, Custom, or Usage, to the contrary notwithstanding.

Commissioners of the Customs impowered; to grant Licences to export certain Quantities of Goods from England into the Port of Douglas.

VIII. And it is hereby further enacted by the Authority aforesaid, That from and after the said fifth Day of *July*, one thousand seven hundred and sixty-seven, the Commissioners of his Majesty's Customs in *England*, or any three of them, shall and may grant License, without Fee or Reward, (to continue in Force for three Months), to any of his Majesty's Subjects, to export, from any Port of *England* into the Port of *Douglas* in the *Isle of Man*, but to no other, in *British* Ships navigated according to Law, any Quantity of Spirits, not exceeding, in the Whole, fifty thousand Gallons of *British* distilled Spirits, and thirty thousand Gallons of Rum the Produce of the *British* Plantations; any Quantity of Tea, not exceeding twenty thousand Pounds Weight of Bohea Tea, and five thousand Pounds Weight of Green Tea, in one Year; any Quantity of Coffee, not exceeding five thousand Pounds Weight, in one Year; and any Quantity of Tobacco, not exceeding one hundred and twenty thousand Pounds Weight, in one Year, to commence from the said fifth Day of *July*, one thousand seven hundred and sixty-seven, and in every succeeding Year; and for the Goods so exported, by Virtue of such Licence, the Exporter shall be intitled to receive the like Drawbacks, but under the same Security, Regulations, and Restrictions, in all Respects, as are allowed and prescribed for such Goods respectively when exported from *Great-Britain* to *Ireland*; any Law, Custom, or Usage to the contrary notwithstanding: And his Majesty's Receiver General of the *Isle of Man*, or his Deputy, is hereby enjoined and required to keep a Register, at the Port of *Douglas*, of the Quantity of each Species of Goods so imported as aforesaid; and to transmit an Account thereof, every Quarter, to the Commissioners of his Majesty's Customs at *London*.

Drawbacks allowed on the Exportation thereof.

Register to be kept at Douglas of the Quantity imported.

None of the Goods here enumerated to be exported again,

on Forfeiture thereof, together with the Vessel.

X. And it is hereby further enacted by the Authority aforesaid, That from and after the said fifth Day of *July*, one thousand seven hundred and sixty-seven, no Tea, Brandy, strong Waters, or Spirits, of any kind whatsoever, Coffee, Chocolate, Tobacco, Glass, or Coals, *British* or other wrought Silks or Salt, nor any Wine, shall be exported, or shipped, or laden on board any Ship, Vessel, or Boat, in order to be exported, from the said *Isle of Man*, to any Place whatsoever; on Forfeiture of all such Goods, or the Value thereof, together with the Ship, Vessel, or Boat, in which the same shall be laden, with all her Furniture; to be seized by any Officer or Officers of the Customs, and sued for and prosecuted as herein-after is directed.

Regulations to be observed with respect to Goods carried Coastwise.

XI. And it is hereby further enacted by the Authority aforesaid, That all Goods carried Coastwise in the said *Isle of Man* shall be subject to the same Securities, Rules, Regulations, Penalties, and Forfeitures, in all Respects, as are prescribed and directed, by an Act of Parliament now in Force, with Respect to Goods carried Coastwise in *Great-Britain*.

The same Bounties and Drawbacks allowed on Exportation of Goods (Malt and Barley excepted) from Great-Britain to the Isle of Man, as to Ireland.

XIV. And it is hereby further enacted by the Authority aforesaid, That from and after the said fifth Day of *July*, one thousand seven hundred and sixty-seven, all Goods, Wares, and Merchandizes (Malt and Barley excepted) which may be lawfully exported from *Great-Britain* to the *Isle of Man*, shall, upon being so exported, be entitled to the same Drawbacks and Bounties, under the like Rules, Restrictions, Securities, Penalties, and Forfeitures, in all Respects, as such Goods are entitled or liable to by Law, upon Exportation from *Great-Britain* to *Ireland*.

Where Goods shall be unshipped or landed before Duty paid;

or prohibited Goods be imported, or exported; the Parties concerned forfeit treble the Value, with the Goods, Boats, Cattle and Carriages.

XXII. And it is hereby further enacted by the Authority aforesaid, That from and after the said fifth Day of *July*, one thousand seven hundred and sixty-seven, if any Goods, Wares, or Merchandizes, liable to the Payment of Duties in the *Isle of Man* by this or any other Act of Parliament, shall be unshipped or landed from any Ship or Vessel inward bound, before the respective Duties due thereon are paid, agreeable to Law; or if any prohibited Goods whatsoever shall be imported into, or exported out of, the said *Isle of Man*; every Person who shall be assisting or otherwise concerned, either in the unshipping or landing inwards, or in shipping or loading outwards, such Goods, or to whose Hands the same shall knowingly come after the unshipping, landing, or relanding the same, shall, for each and every Offence, forfeit treble the Value of such Goods, to be estimated and computed according to the best Price that each Commodity then bears at the Town and Port of *Douglas* in the said Island; and the said Goods, and all the Boats, Horses, Cattle, and Carriages whatsoever, made use of in the Landing, Loading, Removing, Carriage, or conveyance thereof, shall also be forfeited and lost; and shall and may be seized by any Officer or Officers of the Customs, and sued for and prosecuted as herein-after mentioned.

Forfeitures and Penalties to be sued for and recovered,

and applied as Act 5 Geo. 3. directs.

XXIV. And it is hereby further enacted by the Authority aforesaid, That all Forfeitures and Penalties inflicted by this Act, as well specific as pecuniary, and all Suits or Informations which shall be brought or commenced for the Recovery thereof, shall be sued for, prosecuted, tried, heard, and determined, and the said Penalties and Forfeitures distributed and disposed of, in such Manner and Form, and by such Rule, Regulations, and Restrictions, as are prescribed and directed in and by an Act made in the fifth Year of the Reign of his present Majesty, intituled, *An Act for the more effectual preventing the Mischiefs arising to the Revenue and Commerce of* Great-Britain *and* Ireland, *from the illicit and clandestine Trade to and from the* Isle of Man, with Respect to the Forfeitures and Penalties therein-mentioned.

7 GEORGII III. Cap. XLVIII.

An Act for regulating the Proceedings of certain public Companies and Corporations carrying on Trade or Dealings with joint Stocks, in respect to the declaring of Dividends; and for the further regulating the Qualification of Members for voting in their respective general Courts.

Preamble.

WHEREAS, by Virtue of divers Acts of Parliament, and of Royal Charters founded thereupon, certain public Companies or Corporations have been instituted for the Purpose of carrying on particular Trades or dealings with joint Stocks; and the Management of the Affairs of such Companies has been vested in their General Courts, composed of the Members at large of such Companies respectively; in which General Courts every Member of each respective Company, possessed of such Share in the Stock of the Company as in and by the said Acts of Parliament and Charters is limited with regard to each of the said Companies respectively, is qualified and entitled to give a Vote or Votes: And whereas of late Years a most unfair and mischievous Practice has been introduced of splitting large Quantities of Stock, and making separate and temporary Conveyances of the Parts thereof, for the Purpose of multiplying or making occasional Votes immediately before the Time of declaring a Dividend, of chusing Directors, or of deciding any other important Question; which Practice is subversive of every Principle upon which the Establishment of such General Courts is founded, and, if suffered to become general, would leave the permanent Interest of such Companies liable at all Times to be sacrificed to the partial and interested Views of a few, and those perhaps temporary Proprietors; be it therefore enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the Authority of the same, That from and after the first Day of *August*, one thousand seven hundred and sixty-seven, no Member of any of the said public Companies or Corporations, instituted for the Purpose aforesaid, shall be deemed qualified to vote, or be admitted to give any vote or votes, in any General Court of any such Company, in respect of any Stock transferred to him, her, or them, after the said first Day of *August*, one thousand seven hundred and sixty-seven, until he, she, or they, shall have been possessed of such Stock six calendar Months; unless such Stock shall have been acquired, or shall have come by Bequest, or by Marriage, or by Succession to an Intestate's Estate, or by the Custom of the City of *London*, or by any Deed of Settlement after the Death of any Person who shall have been entitled for Life to the Dividends of such Stock.

Members disqualified from voting in a general Court who were not possessed of Stock in the Company 6 Months; except in the particular Cases here mentioned.

II. *And*

Oaths and Affirmation required to be taken by Members voting,

to be altered conformable to the Qualification required by this Act,

and taken accordingly.

Oath altered by 13 G. 3. c. 63. sect. 6.

II. *And be it further enacted by the Authority aforesaid, That the several and respective Oaths and Affirmations which are at present, either by Virtue of any Act of Parliament, or by any Charter of any of the said Companies, required to be administered to, or taken by, the Members intitled to vote in the General Courts of the said Companies, respectively, at or before giving their Votes, shall, from and after the said first Day of* August, *one thousand seven hundred and sixty-seven, be altered in such Manner as to extend to, and comprize the further Qualification required by this Act, in respect of the Continuance of the Possession of such Stock as aforesaid; and that the said Oaths and Affirmations, so altered as aforesaid, shall, from and after the said first Day of* August, *one thousand seven hundred and sixty-seven, be severally and respectively administered to, and taken by, the Members of such Companies, in the Place of those heretofore required to be administered and taken.*

No Declaration of a Dividend to be made, but at one of the half-yearly or quarterly General Courts, at 5 Months Distance from the last preceding Declaration; and for no more than the half Year.

III. And forasmuch as no Part of the Business transacted by the General Courts of the said Companies can be of more Importance to the general and lasting Interest of the Companies themselves, or to the Preservation of public Credit, so closely connected with that Interest, than what concerns the fixing, from Time to Time, of the Dividends to be made out of the Profits and Produce of their joint Stocks among the several Proprietors having Shares therein; And forasmuch as the Provisions hitherto made have not been found sufficient to prevent many great and dangerous Irregularities being practised in Relation to the making of sudden and unwarrantable Alterations in the Rates of such Dividends; be it therefore enacted by the Authority aforesaid, That from and after the tenth Day of *July*, one thousand seven hundred and sixty-seven, no Declaration of a Dividend shall be made by any General Court of any of the said Companies, other than one of the half-yearly or quarterly General Courts, at the Distance of five calendar Months at the least from the last preceding Declaration of a Dividend; and that no Declaration of more than one half-yearly Dividend shall be made by one General Court; and that no Question upon any Proposition for increasing the Rate of the Dividend, shall be decided otherwise than by Ballot, to be taken at the Distance of three entire Days, at the least, from the Adjournment, or breaking up of the general Court, in which such Question shall have been proposed.

And no Question for a proposed Increase of Dividend to be decided but by Ballot taken three Days after breaking-up of the Court.

Public Act.

See further Provisions 7 G. 3. c. 49. 10. G. 3. c. 47. and 13 Geo. 3. c. 63.

IV. And be it further enacted by the Authority aforesaid, That this Act shall be deemed and taken to be a public Act; of which Notice shall be judicially taken by all Judges, Justices, and other Persons whatsoever, without specially pleading the same.

7 GEORGII III. Cap. XLIX.

An Act for regulating certain Proceedings of the General Courts of the United Company of Merchants of England *trading to the* East-Indies.

Preamble.

Recital of the Importance for Proprietors to declare Dividends in General Courts restricted from any improvident Increase thereof.

WHEREAS it must, at all Times, be of the utmost Importance to the Interest and Welfare of the United Company of Merchants of *England* trading to the *East-Indies*, that the Power of declaring Dividends upon the Stock of the said Company, vested in their General Courts, should be duly exercised; and that no Determination should ever be made or take Place in Respect of any such Dividend, without a full and fair Opportunity given to the Proprietors at large to exercise the Right of taking such Part in every such Determination as they are intitled to by Law: And whereas it is at this Time become peculiarly necessary to secure, at all Events, as well the permanent Interest of the said Company, as the State of Credit both private and public, from the Mischiefs which must ensue from an improper and improvident Increase of the Dividends of the said Company; which cannot be effectually done without the Interposition of Parliament: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That no Dividend shall be made by the said Company, for or in Respect of any Time subsequent to the twenty-fourth Day of *June*, one thousand seven hundred and sixty-seven, otherwise than in Pursuance of a Vote or Resolution passed by Way of balloting in a General Court of the said Company, which shall have been summoned for the Purpose of declaring a Dividend; and of the Meeting of which General Court for such Purpose seven Days Notice at the least shall have been given in Writing, fixed upon the *Royal Exchange* in *London*.

No Dividend to be made for any Time subsequent to 24 June, 1767, but in Pursuance of a Vote, &c. carried upon a Ballot in a General Court summoned for the Purpose, and 7 Days Notice given of the Meeting;

II. *And*

nor Increase of Dividend, beyond 10l. per Cent. to be resolved on, between 8 May, 1767, and the Beginning of the next Session of *Parliament*; nor balloting upon any Question to take place sooner than 8 Hours after breaking up of the Court; and to be begun not later than 12 at Noon; nor closed before 6 P. M. See further Provisions in 10 Geo. 3. c. 47. sect. 3. 13 Geo. 3. c. 63.

II. *And be it further enacted by the Authority aforesaid, That it shall not be lawful for any General Court of the said Company, at any Time between the eighth day of* May, *one thousand seven hundred and sixty-seven, and the Beginning of the next Session of Parliament, to declare or resolve upon any Increase of Dividend beyond the Rate of ten Pounds* per Centum per Annum, *being the Rate at which the Dividend for the half Year, ending the twenty-fourth Day of* June, *one thousand seven hundred and sixty-seven, is made payable.* Expired.

III. And be it further enacted by the Authority aforesaid, That no Balloting upon any Question proposed in any General Court of the said Company, ralative either to the Declaration of a Dividend, or to any other Matter whatsoever, shall be begun within a less Space of Time than eight Hours after Adjournment, or breaking up, of the General Court in which it shall have been determined that such Question should be decided by Balloting; and that in no case the Balloting shall be begun at a later Hour of the Day than twelve of the Clock at Noon, nor closed at an earlier Hour than six of the Clock in the Afternoon.

7 GEORGII III. Cap. LVI.

An Act for taking off the Inland Duty of One Shilling per *Pound Weight upon all Black and Singlo Teas consumed in* Great-Britain; *and for granting a Drawback upon the Exportation of Teas to* Ireland, *and the* British *Dominions in* America, *for a limited Time, upon such Indemnification to be made in respect thereof by the* East-India *Company, as is therein-mentioned; for permitting the Exportation of Teas in smaller Quantities than One Lot to* Ireland, *or the said Dominions in* America; *and for preventing Teas seized and condemned from being consumed in* Great-Britain.

[The first six Sections of this Act were merely experimental, and are expired.]

Clause in Act 21 Geo. 2. c. 14.

VII. AND whereas, by an Act made in the twenty-first Year of the Reign of his late Majesty, intituled, *An Act for permitting Tea to be exported to* Ireland, *and his Majesty's Plantations in* America, *without paying the inland Duties charged thereupon by an Act of the eighteenth Year of his present Majesty's Reign; and for enlarging the Time for some of the Payments to be made on the Subscription of six millions three hundred thousand Pounds, by Virtue of an Act of this Session of Parliament*; it is enacted, That from and after the first Day of *June*, one thousand seven hundred and forty-eight, no Tea should be exported to the Kingdom of *Ireland*, or to any of his Majesty's Plantations in *America*, in any Chest, Cask, Tub, or Package whatsoever, other than that in which it was originally imported into *Great-Britain*, nor in any less Quantities than in the intire Lot or Lots in which the same was sold at the Sale of the said United Company, under the Penalty of the Forfeiture of such Tea, and the Package containing the same: And whereas the prohibiting the Exportation of Tea in any less Quantity than one intire Lot has been very inconvenient to Merchants and Traders, and tends to discourage the Exportation of Tea to *Ireland*, and the said Colonies; be it therefore enacted by the Authority aforesaid, That from and after the fifth Day of *July*, one thousand seven hundred and sixty-seven, the said recited Clause shall be, and is hereby repealed.

prohibiting the Exportation of Tea in any less Quantity than one intire Lot,

repealed.

No Tea to be exported to Ireland or America, but in the original Package; nor in a less Quantity than the whole Quantity contained in such Package at the Company's Sale; on Forfeiture thereof; to be recovered and applied as Act 21 Geo. 2. c. 14. directs.

Teas exported under this Act, discharged he part of the inland Duties ere mentioned Excise.

VIII. And be it further enacted by the Authority aforesaid, That from and after the said fifth Day of *July*, one thousand seven hundred and sixty-seven, no Tea shall be exported to the Kingdom of *Ireland*, or to any of his Majesty's Plantations in *America*, in any Chest, Cask, Tub, or Package whatsoever, other than that in which it was originally imported into *Great-Britain*, nor in any less Quantity than the whole and intire Quantity contained in any Chest, Cask, Tub, or Package, in which the same was sold at the public Sale of the United Company of Merchants of *England*, trading to the *East-Indies*, under the Penalty of the Forfeiture of such Tea, and the Package containing the same, which shall and may be seized by any Officer of the Customs; and such Forfeiture shall be recovered and applied in such and the same Manner as any of the Penalties or Forfeitures mentioned in the said Act, made in the twenty-first Year of the Reign of his late Majesty, are thereby directed to be recovered and applied; and all Tea exported under the Authority of this Act is hereby freed and discharged from the Payment of the inland Duties of Excise, in such and the same Manner, and shall be subject to the same Rules and Regulations, as are mentioned, appointed, and prescribed by the said Act, in relation to Tea exported by Virtue thereof.

IX. *And*

Confiscated Teas to be sold; and delivered but for Exportation only;

Repealed by 8 Geo. 3. c. 25. sect. 9.

and in Packages containing not less than 50 Pounds, subject to such other Regulations as are herein mentioned.

IX. *And be it enacted by the Authority aforesaid, That from and after the twenty-fourth Day of* July, *one thousand seven hundred and sixty-seven, all Teas which shall be seized and condemned for being illegally imported, or for any other Cause, shall not be sold for Consumption within this Kingdom, but shall be exported to* Ireland, *or to the* British *Colonies in* America; *and that no such Teas, after the Sale thereof, shall be delivered out of any Warehouse belonging to his Majesty, otherwise than for Exportation as aforesaid; or be exported in any Package containing a less Quantity than fifty Pounds Weight; which Exportation shall be made in like Manner, and under the same Rules, Regulations, Penalties, and Forfeitures, except in Respect to the Allowance of any Drawback, as are by this Act prescribed, appointed, and inflicted, in Relation to the Exportation of Teas sold by the said Company; and upon the like Bond and Security as is required by the said Act, made in the twenty-first Year of the Reign of his late Majesty King* George *the Second, to be approved of by the Commissioners of the Customs or Excise in* England *for the Time being, or any three of them respectively, or by such Person or Persons as they shall respectively appoint for that Purpose.*

X. And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons for any Thing by him or them done or executed in Pursuance of this Act, the Defendant or Defendants in such Action or Suit shall and may plead the general Issue, and give this Act, and the special Matter in Evidence, at any Trial to be had thereupon; and that the same was done in Pursuance and by the Authority of this Act: And if afterwards a Verdict shall pass for the Defendant or Defendants, or the Plaintiff or Plaintiffs shall become nonsuited, or discontinue his, her, or their Action or Prosecution, or Judgment shall be given against him, her, or them, upon Demurrer, or otherwise; then such Defendant or Defendants shall have treble Costs awarded to him or them against such Plaintiff or Plaintiffs.

General Issue.

Treble Costs.

7 GEORGII III. Cap. LVII.

An Act for establishing an Agreement for the Payment of the annual Sum of four hundred thousand Pounds, for a limited Time, by the East-India *Company, in Respect of the territorial Acquisitions and Revenues lately obtained in the* East-Indies.

Preamble.

WHEREAS the United Company of Merchants of *England* trading to the *East-Indies* have proposed, that a temporary Agreement should be made in Relation to the territorial Acquisitions and Revenues lately obtained there; and have thereupon offered to pay, for the Benefit of the Public, during the Term of such Agreement, the yearly Sum of four hundred thousand Pounds, by half-yearly Payments: And whereas it may be for the Benefit of the Public, and the said Company, that a temporary Agreement, for the Space of two Years, should be made in regard of the said territorial Acquisitions and Revenues: Now we, your Majesty's most dutiful and loyal Subjects, the Commons of *Great-Britain*, in Parliament assembled, do most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said United Company of Merchants of *England* trading to the *East-Indies*, and their Successors, shall advance and pay into the Receipt of his Majesty's Exchequer, for his Majesty's Use, the Sum of four hundred thousand Pounds *per Annum*, for and during the Term of two Years, to be computed from the first Day of *February*, one thousand seven hundred and sixty-seven, by half-yearly Payments of two hundred thousand Pounds each; which half-yearly Payments of two hundred thousand Pounds shall become due on the first Day of *August*, and the first Day of *February*, in each Year; and shall be made on or before the twenty-fifth Day of *March* next ensuing such first Day of *August*, and on the twenty-ninth Day of *September* next ensuing such first Day of *February* respectively, in each Year; the first of which half-yearly Payments shall become due on the first Day of *August*, one thousand seven hundred and sixty-seven, and be made on or before the twenty-fifth Day of *March*, one thousand seven hundred and sixty-eight; and in Case the said United Company of Merchants of *England* trading to the *East-Indies*, or their Successors, shall make Failure in any of the said Payments hereby appointed to be made into the Receipt of his Majesty's Exchequer, on or before the respective Days or Times herein-before limited; that then, from Time to Time, as often as such Case shall so happen

East-India Company to pay into the Receipt of the King's Exchequer, 400,000l. per Annum, for the Term of 2 Years;

by half-yearly Payments, of 200,000l. each;

on Failure of any of the said Payments;

pen, the Money, whereof such Failure in Payment shall be made, shall and may be recovered to his Majesty's Use, by Action of Debt, or upon the Case, Bill, Suit, or Information, in any of his Majesty's Courts of Record at *Westminster*, wherein no Essoin, Protection, Privilege, or Wager of Law, shall be allowed, or any more than one Imparlance; in which Action, Bill, Suit, or Information, it shall be lawful to declare, That the said United Company of Merchants of *England* trading to the *East-Indies*, or their Successors, are indebted to his Majesty the Monies of which they shall have made Default in Payment, according to the Form of this Statute, and have not paid the same, which shall be sufficient; and in or upon such Action, Bill, Suit, or Information, there shall be further recovered, to his Majesty's Use, against the said United Company of Merchants of *England* trading to the *East-Indies*, or their Successors, Damages, after the Rate of fifteen Pounds *per Centum per Annum*, for the respective Monies so unpaid, contrary to this Act, together with full Costs of Suit; and the said United Company, and their Successors, and all their Stock, Funds, and all other their Estates and Property whatsoever and wheresoever, shall be, and are hereby made, subject and liable to the Payment of such Monies, Damages, and Costs.

the Money to be recovered by Action of Debt, &c. in any of the Courts at Westminster,

with Damages, after the Rate of 15*l.* per Cent. and full Costs of Suit; and the Company's Stock and Funds, &c. are made liable thereto.

II. And it is hereby further enacted and declared by the Authority aforesaid, That all the said territorial Acquisitions and Revenues, lately obtained in the *East-Indies*, shall remain in Possession of the said United Company, and their Successors, during the said Term of two Years, to be computed from the said first Day of *February*, one thousand seven hundred and sixty-seven.

The territorial Acquisitions and Revenues lately obtained, to remain in the Company's Possession during the said 2 years;

III. Provided nevertheless, and be it further enacted by the Authority aforesaid, That if the said United Company, or their Successors, shall be dispossessed by any foreign Power of any Part of the said territorial Acquisitions or Revenues, at any Time or Times before the Expiration of the said Term of two Years, to be computed from the first Day of *February*, one thousand seven hundred and sixty-seven; then, and in every such Case, and as often as such Case shall so happen, the Payment of the said annual Sum of four hundred thousand Pounds, for or in Respect of the Time or Times during which the said Company, or their Successors, shall remain so dispossessed, shall be reduced, in such Proportion to the Whole of the said annual Sum as the net Income and Profits of the territorial Acquisitions and Revenues, of which the said Company, or their Successors, shall have been so dispossessed, shall have borne to the Whole of the net Income and Profits of all the said territorial Acquisitions and Revenues, upon the Average of the Year preceding their being so dispossessed; and if it shall happen that any Payment or Payments shall have been made, for or in Respect of any Time or Times during which the said Company, or their Successors, shall have been so dispossessed as aforesaid, such proportional Part of the Monies as shall have been so paid for or in Respect thereof, or so much of such proportional Part of the said Monies as shall not have been appropriated in Manner herein-after mentioned, shall be repaid and refunded at the said Receipt of the Exchequer to the said Company, or their Successors; and, in Lieu of the Money which shall have been so appropriated, a Sum equal thereto shall be paid to the said Company, or their Successors, out of the Fund commonly called *The Sinking Fund*; which payment is hereby charged upon the said Fund, and shall be made thereout, after paying or reserving sufficient to pay all previous Charges thereupon; any Thing herein-before contained to the contrary notwithstanding.

and if they shall be dispossessed by any foreign Power, of any Part thereof, within that Time,

a proportional Abatement is to be made in the said annual Payments;

and Money wrongfully paid, is to be refunded.

IV. And be it further enacted by the Authority aforesaid, That the Monies which shall be paid into the Receipt of his Majesty's Exchequer, in Pursuance of this Act, shall be there reserved to be disposed of and appropriated by Parliament.

The Monies paid by the Company to be reserved for the Disposition of Parliament.

8 GEORGII III. Cap. XI.

An Act for further regulating the Proceedings of the United Company of Merchants of *England* trading to the *East-Indies*, with Respect to the making of Dividends. *Expired.*

Preamble.

WHEREAS it was found necessary, in the last Session of Parliament, for securing, as well the permanent Interest of the United Company of Merchants of England *trading to the* East-Indies, *as the State of Credit both Private and Public, from the Mischiefs which must have ensued from*

from an improper and improvident Increase of the Dividends of the said Company, that the said Company should, for a Time, be restrained from making any further Increase of their Dividend, beyond the Rate at which it then stood payable, and to which it had then lately been increased: And whereas the Time, for which such Restriction was then laid, did expire at the Beginning of this present Session of Parliament: Now, for as much as the farther Interposition of Parliament, for the same salutary Purpose, is at this Time necessary, be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled; and by the Authority of the same, That it shall not be lawful for any general Court of the said Company, at any Time before the first Day of February, *one thousand seven hundred and sixty-nine, to declare, or resolve upon, any Increase of Dividend beyond the Rate of ten Pounds* per Centum per Annum, *being the Rate of the present Dividend.*

No Increase of Dividend, beyond 10*l.* per Centum per Annum to be resolved on at any General Court of the Company, before 1 Feb. 1769.

8 GEORGII III. Cap. XXV.

An Act for reducing the Duties on Foul Salt to be used for Manure; for altering the Stamp Duties on certain Policies of Assurance; for amending so much of an Act made in the thirty-third Year of the Reign of his late Majesty King George *the Second, as relates to the Allowance of the Duties of Customs; and exempting from the Duties of Excise such Rum or Spirits of the Growth, Produce, or Manufacture, of the* British *Sugar Plantations in* America, *as shall be exported from this Kingdom; for better securing the Excise Duties upon foreign Liquors imported; for repealing a Clause in an Act made in the last Session of Parliament, prohibiting the Sale of condemned Tea for Home Consumption; for amending such Parts of two Acts made in the sixth and seventh Years of the Reign of his present Majesty, as relate to the depositing, in the Warehouses belonging to the Custom-house at* London, *foreign wrought Silks and Velvets, and Cambricks, and* French *Lawns, upon the Seizure thereof.*

[So much thereof as relates to the *East-India Company.*]

IX. AND whereas by an Act made in the last Session of Parliament, intituled, *An Act for taking off the inland Duty of one Shilling* per Pound *Weight upon all Black and Singlo Teas consumed in* Great-Britain; *and for granting a Drawback upon the Exportation of Teas to* Ireland, *and the* British *Dominions in* America *for a limited Time, upon such Indemnification to be made in Respect thereof by the* East-India *Company, as is therein mentioned; for permitting the Exportation of Teas in smaller Quantities than one Lot to* Ireland, *or the said Dominions in* America; *and for preventing Teas seized and condemned from being consumed in* Great-Britain; it is, amongst other Things, enacted, That all Teas which shall be seized and condemned for being illegally imported, or for any other Cause, shall not be sold for Consumption within this Kingdom, but shall be exported to *Ireland*, or to the *British* Colonies in *America*, under certain Restrictions in the said Act mentioned: And whereas the Consumption of such Teas in this Kingdom will greatly reduce the Price and Value thereof, and thereby discourage the Officers of the Customs and Excise from making Seizures of such Tea, and prosecuting the same to Condemnation, which will promote the illicit Importation and Smuggling of Tea into this Kingdom, and be very prejudicial to the public Revenue and the fair Trader; be it therefore enacted by the Authority aforesaid, That from and after the passing of this Act, such Part of the said recited Act as prohibits the selling for Consumption within this Kingdom such seized and condemned Teas, shall be, and the same is hereby declared to be, repealed.

Recital of a Clause in 7 Geo. 3. c. 56. relating to the Exportation of condemned Teas.

Such Part of the recited Act, as prohibits the selling such seized and condemned Teas for Home Consumption, is repealed.

9 GEORGII III. Cap. XXIV.

An Act for carrying into Execution certain Proposals made by the East-India *Company for the Payment of the annual Sum of four hundred thousand Pounds, for a limited Time, in Respect of the territorial Acquisitions and Revenues lately obtained in the* East-Indies.

Preamble, reciting Act 7 Geo. 3. c. 57.

WHEREAS by an Act made in the seventh Year of the Reign of his present Majesty, intituled, *An Act for establishing an Agreement for the Payment of the annual Sum of four hundred thousand Pounds, for a limited Time, by the* East-India *Company, in Respect of the territorial Acquisitions and Revenues lately obtained in the* East-Indies, it was directed, that the United Company of Merchants of *England* trading to the *East-Indies*, and their Successors, should pay into the Receipt of his Majesty's Exchequer, for his Majesty's Use, the Sum of four hundred thousand Pounds *per Annum*, during the Term of two Years, to be computed from the first Day of *February*, one thousand seven hundred and sixty-seven, by half-yearly Payments of two hundred thousand Pounds each, at or before such Times as are therein limited; and it was thereby enacted and declared, that all the territorial Acquisitions and Revenues (in the said Act before mentioned) lately obtained in the *East-Indies*, should remain in Possesion of the said Company, and their Successors, during the said Term of two Years: And whereas the said Company have made Proposals to enter into a further Agreement respecting the said Acquisitions and Revenues upon the Terms and Conditions herein-after mentioned; that is to say,

Proposals made by the East-India Company for a further Agreement.

First, That four hundred thousand Pounds a Year be continued to the Publick for five Years, from the first of *February*, one thousand seven hundred and sixty-nine: Secondly, That the Company be at Liberty to increase their Dividend to twelve and an half *per Centum* during the said Term, so as not to exceed one *per Centum* in any one Year: Thirdly, That if the Company shall, during the said Term, be obliged to reduce their Dividends from any Cause whatsoever, in such Case there shall be deducted from the Sum agreed to be paid for the Use of the Public, a Sum equal to such Reduction; and in like Manner, if the Company's Dividends shall at any Time, during the said Term, be again raised or restored, the Publick shall receive equal Benefit; but if the said Dividends shall be reduced to six *per Centum*, then the Payment to the Public shall be discontinued: Fourthly, That the Company shall be obliged to export in every Year, during the Continuance of this Agreement, Goods and Merchandizes of the Growth, Produce, or Manufacture of *Great Britain*, (Military and Naval Stores excepted), of the like Value as they shall appear to have exported annually on an Average of five Years preceding this Agreement: Fifthly, That if any Surplus of Cash shall remain in *England*, during the said Term, after the Discharge of the Company's simple Contract Debts bearing Interest, and the Reduction of the Company's Bond Debt to the Debt which shall be due from the Public to the Company, then such Surplus shall be lent to the Public at two *per Centum per Annum*: And whereas it may be for the Benefit of the Public and the said Company, that proper Provisions should be made for carrying the said Proposals into effectual Execution: Now, we your Majesty's most dutiful and loyal Subjects, the Commons of *Great-Britain* in Parliament assembled, do most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said United Company of Merchants of *England* trading to the *East-Indies*, and their Successors, shall advance and pay into the Receipt of his Majesty's Exchequer, for his Majesty's Use, the Sum of four hundred thousand Pounds per *Annum*, for and during the Term of five Years, to be computed from the first Day of *February*, one thousand seven hundred and sixty-nine, by half-yearly Payments of two hundred thousand Pounds each; which half-yearly Payments of two hundred thousand Pounds shall become due on the first Day of *August* and the first Day of *February* in each Year; and such of the said half-yearly Payments as shall so become due on the first Day of *August* in each Year, shall be made on or before the twenty-fifth Day of *March* next ensuing; and such of the said half-yearly Payments as shall so become due on the first Day of *February* in each Year, shall be made on or before the twenty-ninth Day of *September* next ensuing such first Day of *February* respectively in each Year; the first of which half-yearly Payments shall become due on the first Day of *August*, one thousand seven hundred and sixty-nine, and be made on or before the twenty-fifth Day of *March*, one thousand seven hundred and seventy: And in Case the said United Company of Merchants of *England* trading to

400,000l. per Annum, to be paid by the Company into the Exchequer, for the Term of five Years, by half-yearly Payments of 200,000l. each.

First Payment to become due on 1 Aug. 1769, and to be made by 25 March, 1770.

to the *East-Indies*, or their Successors, shall make Failure in any of the said Payments hereby appointed to be made into the Receipt of his Majesty's Exchequer on or before the respective Days or Times herein-before limited, that then, from Time to Time, as often as such Case shall so happen, the Money whereof such Failure in Payment shall be made shall and may be recovered to his Majesty's Use, by Action of Debt, or upon the Case, Bill, Suit, or Information, in any of his Majesty's Courts of Record at *Westminster*, wherein no Essoin, Protection, Privilege, or Wager of Law, shall be allowed, or any more than one Imparlance; in which Action, Bill, Suit, or Information, it shall be lawful to declare, that the said United Company of Merchants of *England* trading to the *East-Indies*, or their Successors, are indebted to his Majesty the Monies of which they shall have made Default in Payment according to the Form of this Statute, and have not paid the same, which shall be sufficient; and in or upon such Action, Bill, Suit, or Information, there shall be further recovered to his Majesty's Use against the said United Company of Merchants of *England* trading to the *East-Indies*, or their Successors, Damages after the Rate of fifteen Pounds *per Centum per Annum* for the respective Monies so unpaid contrary to this Act, together with full Costs of Suit; and the said United Company and their Successors, and all their Stock, Funds, and all other their Estates and Property whatsoever, shall be and are hereby made subject and liable to the Payment of such Monies, Damages, and Costs.

On Default of Payment, a Suit to be instituted for Recovery thereof,

with Damages after the Rate of 15l. per Cent. per Ann. with full Costs.

II. And it is hereby further enacted and declared by the Authority aforesaid, That all the said territorial Acquisitions and Revenues lately obtained in the *East-Indies*, shall remain in the Possession of the said United Company, and their Successors, during the said Term of five Years.

Territorial Acquisitions, &c. to remain in the Company.

III. And be it further enacted by the Authority aforesaid, That the Monies which shall be paid into the Receipt of his Majesty's Exchequer, in Pursuance of this Act, shall be there reserved to be disposed of and appropriated by Parliament.

Monies paid in to be reserved for the Disposition of Parliament.

IV. And be it further enacted by the Authority aforesaid, That the said United Company, and their Successors, during the said Term of five Years, shall be at liberty, from Time to Time, to increase the Dividends upon their capital Stock; so that any such Increase of Dividend shall not in any one Year, during the said Term of five Years, exceed the Sum of one Pound *per Centum* on such capital Stock; and so that by any such Addition or Additions, the Dividends to be made upon the said Stock shall not exceed in the whole, at any one Time during the said Term, the Rate of twelve Pounds and ten Shillings *per Centum per Annum*.

Company at liberty to increase their Dividends;

but if their Dividends shall be reduced,

V. And be it further enacted and declared by the Authority aforesaid, That if the said United Company, or their Successors, shall, for and during any Time or Times within the said Term of five Years, reduce the Dividends upon their said Stock; then, and in every such Case, there shall, for and during the Time or Times respectively of every such Reduction or Reductions, be deducted from the said Sum of four hundred thousand Pounds *per Annum*, a Sum or Sums equal to the Amount of each and every such Reduction; and if at any Time or Times, within the said Term of five Years, the said United Company, or their Successors, shall reduce the Dividends upon their said Stock to or under the Rate of six Pounds *per Centum per Annum*, then in every such Case, during the respective Continuance of every such Reduction, the said Company shall be and are hereby discharged from the Payment of the said Sum of four hundred thousand Pounds, or such Part thereof as would have become due to the Public, during the Continuance of such Reduction; and that if, after any Reduction of the Dividends of the said Company as aforesaid, it shall happen that the Dividends of the said Company shall be again increased to any Rate exceeding the Rate of six Pounds *per Centum per Annum*, then and in every such Case respectively, from Time to Time, as often as the Case shall happen, such Payment or Payments shall be made by the said Company, or their Successors, for the Use of the Public, as shall be equal to the Amount of the entire Sum which shall be paid in the Dividends of the said Company during the respective Continuance thereof; all which Payments shall be made in the same Manner, and at such Times, and recovered by the same and the like Process, and with the same Damages, as are herein-before enacted with Respect to the Payment and Recovery of the said Sum of four hundred thousand Pounds *per Annum* by half-yearly Payments of two hundred thousand Pounds in each Payment.

the Sums payable by them into the Exchequer are to be reduced likewise;

but if they be again increased, the Payments are to be made accordingly.

VI. *And be it further enacted by the Authority aforesaid, That during the Term of* † *five Years,*

Exports required to be made by the Company of British Goods to a certain Amount.

† This Term was enlarged by 13 G. 3. for two Years, and by 15 G. 3. for three Years, but has not been since renewed.

The Exports (besides Naval Stores) for the three last Years, have been as follows:

1783-4	—	£.346,200
1784-5	—	371,100
1785-6	—	487,200
Average	—	£.401,500

to be computed from the twenty-ninth Day of September, *one thousand seven hundred and sixty-eight, the said United Company, or their Successors, shall and are hereby required to export from* Great-Britain *in each and every Year, during such Term, to the* British *Settlements within the Limits prescribed by the said Company's Charter for their carrying on an exclusive Trade in the* East-Indies, *or elsewhere, upon the Account of the said Company or their Successors in their Course of Trade, exclusive of what may be exported by their Servants, or private Traders licensed by the said Company or their Successors, such Goods and Merchandizes of the Growth, Produce, or Manufacture, of* Great-Britain, *as shall amount in Value to the Sum of three hundred and eighty thousand eight hundred and thirty-seven Pounds, in each and every such Year; but the Amount of the Value of the Military and Naval Stores so exported, shall not be esteemed or reckoned as Part of the said Sum of three hundred and eighty thousand eight hundred and thirty-seven Pounds* per Annum; *and the said Company, or their Successors, shall, on or before the first Day of* June, *in the Year one thousand seven hundred and sixty-nine, and on or before the first Day of* June *in each of the four succeeding Years, give Security by Bond to his Majesty, his Heirs and Successors, under the common Seal of the said Company, or of their Successors, in the penal Sum of double the said Sum of three hundred and eighty thousand eight hundred and thirty-seven Pounds, for the due Exportation of the said Goods and Merchandizes annually to the Amount of the said Sum of three hundred and eighty thousand eight hundred and thirty-seven Pounds, according to the real Value of such Goods and Merchandizes in this Kingdom at the Time of such Exportation, or of the Purchase thereof by or on the Behalf of the said Company, or their Successors; which Security the High Treasurer, or the Commissioners of his Majesty's Treasury for the Time being, or any three or more of such Commissioners, is or are hereby authorized to take; and the said Company, or their Successors, shall, on or before the thirty-first Day of* October, *in the Year one thousand seven hundred and sixty-nine, and on or before the thirty-first Day of* October *in each of the four succeeding Years, deliver to the said High Treasurer, or Commissioners, an Account in Writing, signed by two or more of the Directors of the said Company, for the Time being, specifying the particular Goods and Merchandizes which shall have been so exported in every such Year, in Pursuance of and according to the true Intent and Meaning of this Act, with the said true and real Values of such Goods and Merchandizes, with the Names of the Ships in which the same were respectively so exported; and which Account shall be verified on Oath made before any one Justice of the Peace (which Oath such Justice is hereby authorized and required to administer) by the proper Officers or Servants of the said Company, or their Successors, who shall keep their Books for the Entry of Goods outwards to the best of their Knowledge: And if it shall appear to the Satisfaction of the said High Treasurer, or Commissioners, that Goods and Merchandizes shall have been, agreeably to the Directions of this Act, exported as aforesaid in the respective Year in Relation whereto each Bond shall have been so given; then, in each and every such Case, the said High Treasurer, or Commissioners, shall cause such Bond to be delivered up; but in Case no such Account shall be delivered as herein before-mentioned, or if it shall appear that the said Goods and Merchandizes, exported within the Term mentioned in any such Bond, shall not have amounted to such Value as aforesaid, or that any such Account shall appear not to be truly made, it shall and may be lawful for the said High Treasurer, or Commissioners, to cause each and every such Bond to be prosecuted according to Law, unless he or they shall find sufficient Cause to forbear the same.*

Bond to be given for the due Exportation thereof;

and a Specification of the Goods, &c. exported, with their Value, to be delivered annually to the Treasury, &c.

and verified upon Oath;

and according as the same shall appear to the Treasury, the Bonds are to be delivered up, or put in Suit.

VII. *Provided always, and be it enacted by the Authority aforesaid, That in Case the said Company, or their Successors, shall in any one of the said five Years export, or cause to be exported, such Goods and Merchandizes of the Growth, Produce, or Manufacture of* Great-Britain, *exceeding in Value the Sum of three hundred and eighty thousand eight hundred and thirty seven Pounds; then, and in such Case, the said Excess shall, from Time to Time, be taken into the Account of the Exports of such Goods and Merchandizes by the said Company, or their Successors, in and for the next succeeding Year, and shall be allowed and considered as Part thereof.*

Excess made in the Export of Goods in one Year,

is to be taken into the succeeding Year's Account.

VIII. *And be it further enacted by the Authority aforesaid, That if at any Time or Times during the said Term of five Years commencing from the first Day of* February, *one thousand seven hundred and sixty-nine, any Sum or Sums of Money belonging to the said United Company, or their Successors, shall remain in* Great-Britain *after the Discharge of the said Company's simple contract Debts bearing Interest, and the Reduction of the said Company's Debts to such Sum as shall be equal only or inferior to the Debt which shall be due from the Public to the said Company; then the Monies so, from Time to Time, remaining as aforesaid, shall be, and are hereby required to be, advanced and lent by the said Company and their Successors to the Public, at and after the Rate of two Pounds* per Centum per Annum *Interest, payable out of such proper and sufficient Fund or Funds, and in such Manner, as shall be settled by Parliament; and to be paid Quarterly, to the said Company and their Successors, until the Redemption and Discharge of the capital Monies so advanced and lent, shall be made by Parliament; and*

What Money the Company shall have in Great-Britain after Discharge of their simple Contract and other Debts.

is to be Lent to the Public at 2l. per Cent. per Annum Interest.

and that the said Company, or their Successors, shall and they are hereby directed and required, from Time to Time, before the Expiration of ten Days after the beginning of the next and every succeeding Session of Parliament, during the said Term of five Years, commencing from the first Day of February, *one thousand seven hundred and sixty-nine, and of the Session of Parliament succeeding the Expiration of the said Term, to give in and deliver unto the High Treasurer or Commissioners of his Majesty's Treasury for the Time being, a true and exact Account of the State of the said simple Contract Debts bearing Interest, and of their Bond Debts, at the Time of delivering in every such Account respectively, and also an Account of the State of their Cash remaining in* Great-Britain; *all which Accounts shall be fairly written, and shall be signed by two or more of the Directors of the said Company; and Oath shall be made of the Truth of every such Account, by the proper Officers or Servants of the said Company, before any one Justice of the Peace, which Oath such Justice is hereby authorized and required to administer.*

A State of the Company's simple Contract and Bond Debts to be given in annually upon Oath to the Treasury.

with a State of their Cash.

[*N. B.* The Clauses printed in *Italic* in the foregoing Act *Expired.*]

10 GEORGII III. Cap. XLVII.

An Act for better regulating Persons employed in the Service of the East-India *Company, and for other Purposes therein mentioned.*

Preamble, reciting Act 7 Geo. 1. c. 21.

WHEREAS by an Act passed in the seventh Year of the Reign of his late Majesty King *George* the First, intituled, *An Act for the further preventing his Majesty's Subjects from trading to the* East-Indies *under foreign Commissions, and for encouraging and further securing the lawful Trade thereto; and for further regulating the Pilots of* Dover, Deal, *and the Isle of* Thanet; it was amongst other Things enacted, That it should and might be lawful to and for his Majesty's Attorney-General for the Time being, at the Relation of the said Company, or by his own Authority, to exhibit a Bill or Bills of Complaint in his Majesty's Court of Exchequer, against any Person or Persons trading, dealing, trafficking, or adventuring, at any Time from and after the said twenty-fourth Day of *June*, one thousand seven hundred and twenty-one, in, to or from the *East-Indies*, or Places therein before-mentioned, contrary to Law; or against any Person or Persons concerned as Agent, Factor, or Copartner with such illegal Traders; for discovering of such their trading, dealing, trafficking, and adventuring, and for recovery of such Duties and Damages as are therein and herein-after mentioned; waving or disclaiming, in every such Bill, all the Penalties and Forfeitures incurred by such Person or Persons for the Matters in such Bill or Bills contained; and that such Person or Persons should answer the said Bill or Bills, and not plead or demur to the discovery thereby sought; and pay to his Majesty the Customs and Duties of the Goods and Merchandizes arising, produced, or purchased by the said unlawful Trade, Traffic, or Adventuring; and should answer and Pay to the said Company for the same thirty Pounds *per Centum* according to the Value thereof in *England*: And whereas the said Sum of thirty Pounds *per Centum* so enacted to be paid to the said United Company, as and for Damages on Account of such illicit Trade as aforesaid, hath been found inadequate and insufficient for preventing the said illicit Trade, and for making good to the said Company the Damage they have sustained thereby: Now, for the more effectually preventing such illicit Trade, and for making a better Compensation or Recompence to the said United Company, by Way of Damages, for any Loss or Prejudice they may sustain by the illicit Practices aforesaid, be it enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the Authority of the same, That, from and after the passing of this Act, all and every Person or Persons, Adventurer or Adventurers, prosecuting or concerned in such illicit Trade, Traffic, and Dealings as aforesaid, shall, over and besides the Duties and Customs by Law payable to his Majesty, forfeit and pay to the said United Company the Sum of one hundred Pounds *per Centum*, according to the Value, in *England*, of the Goods, Merchandizes, and Effects, so illicitly traded, trafficked, or dealt in, instead and in Lieu of the said Sum of thirty Pounds *per Centum*, mentioned in the said Act; which said Sum of one hundred Pounds *per Centum*, shall and is hereby directed to be sued for and recovered in such and the like Manner, as in and by the said recited Act, made in the seventh Year of the Reign of his said late Majesty King *George* the First, is prescribed and enacted with Respect to the said Sum of thirty Pounds *per Centum*; any Thing therein to the contrary notwithstanding.

Persons concerned in illicit Trade to pay to East-India Company 100l. per Cent. ad valorem, over and above the Duties, instead of former Penalty.

to be recovered as by Act 7 Geo. 1. c. 21.

II. And

II. And whereas sundry Captains, and others, Officers and Mariners of Ships in the Service of the said United Company, bound to *India*, do oftentimes in a clandestine Manner carry and transport to the *East-Indies* aforesaid great Quantities of Artillery, Ordnance, Musquets, Fire-arms, Ammunition, and Warlike Stores, and there sell and dispose thereof to the Natives, and also to Powers in those Parts at War, or in Enmity with the said United Company, or to other Persons through whose Hands the same do or may come to the Use of such Powers, to the great Injury of the Public, as well as of the said United Company, and their Possessions and Trade in *India*: Therefore, to the End that such evil Practices may for the Future be remedied and prevented, be it further enacted by the Authority aforesaid, That all and every Officer and Officers, Mariners, or other Person or Persons, in the Service of the said United Company, who shall, from and after the passing of this Act, carry, transport, or send, or cause to be carried, transported, or sent, to the *East-Indies* aforesaid, or shall put or cause to be put on Board any Ship in the Service of the said United Company trading to the *East-Indies*, any Artillery, Ordnance, Musquets, Fire-arms, Ammunition, or Warlike Stores of any Kind whatsoever, or shall knowingly aid or assist therein, without the Licence or Authority of the said United Company, with Intention or for the purpose of transporting, selling, trafficking, bartering, exchanging, or otherwise uttering or disposing of the same in the *East-Indies*, or within the Limits of the said United Company's Trade; shall, in every such Case, be deemed and adjudged to be guilty of a high Crime and Misdemeanour, and as such shall and may be prosecuted for the same in his Majesty's Court of King's Bench at *Westminster*; and such Person or Persons so offending being convicted, shall be liable to such corporal Punishment or Fine as the said Court shall think fit.

Persons in the Service of the East-India Company transporting any Warlike Stores,

or assisting therein, with Intent to dispose of the same in the East-Indies, &c.

may be prosecuted in the King's Bench, and be liable to corporal Punishment or Fine.

III. And whereas, by one other Act of Parliament passed in the seventh Year of the Reign of his present Majesty, intituled, *An Act for regulating certain Proceedings of the General Courts of the United Company of Merchants of* England *trading to the* East-Indies, it was enacted, That no Dividend should be made by the said Company, for or in Respect of any Time subsequent to the twenty-fourth Day of *June*, one thousand seven hundred and sixty-seven, otherwise than in Pursuance of a Vote or Resolution, passed by Way of balloting, in a General Court of the said Company, which shall have been summoned for the Purpose of declaring a Dividend, and of the Meeting of which General Court for such Purpose, seven Days Notice at least shall have been given in Writing, fixed upon the *Royal Exchange* in *London*; and it was thereby further enacted, that no ballotting upon any Question proposed in any General Court of the said Company, relative to any Matter whatsoever, should be begun within a less Space of Time than eight Hours after the Adjournment or breaking-up of the General Court in which it should have been determined that such Question should be decided by balloting: And whereas the balloting for every Dividend of the said Company, as prescribed by the last recited Act, would be attended with much Inconvenience and Delay, in Cases where no Alteration in the Rate of the said Company's Dividend is made or intended to be made: And whereas the Time or Space of eight Hours thereby also prescribed for taking such Balloting in Question, and not relative to the Declaration of a Dividend, is not sufficient to give the Proprietors at large of the said Company's Stock a full and fair Opportunity to exercise their Right of taking such Part in every such Determination as they are intitled to by Law: Therefore, for preventing the aforesaid Inconveniences for the Future, be it enacted by the Authority aforesaid, That from and after the passing of this Act, when any half-yearly or other Dividend of the said Company shall be voted and declared by a General Court of Proprietors, not varying or differing from the Rate of the said Company's Dividend for the last preceding half-year, that then and in every such Case, it shall not be necessary for the said general Court of the said Company to proceed to a Ballot respecting such Dividends; but that a Declaration from the Chairman for the Time being of the said Company of the voting and agreeing of the General Court of Proprietors to such Dividend, shall be a sufficient Notice and Authority for declaring and making such Dividend; and that from and after the passing of this Act, no balloting upon any Question proposed in any General Court of the said Company, relative to any Matter whatsoever, shall be begun within a less Space of Time than twenty-four Hours after the Adjournment or breaking-up of the General Court in which it shall have been determined that such Question should be decided by balloting; any thing in the said last recited Act to the contrary notwithstanding.

Act 7 Geo. 3. c. 49.

Any Dividend voted and declared by a General Court, not differing from that of the preceding half Year, need not be balloted for.

No balloting to be begun within less than 24 Hours after adjournment of General Court.

IV. And be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever, employed by or in the Service of the said United Company, in any civil or military Station, Office, or Capacity whatsoever, in the *East-Indies*, or deriving or claiming any Power, Authority, or Jurisdiction, by or from the said United Company, shall, after the passing of this Act, be guilty of oppressing any of his Majesty's Subjects beyond the Seas within their respective Jurisdictions; or, in the Exercise of any such Station, Office, Employment, Power, or Authority, derived or claimed by, from, or under the said United Company, or shall be guilty of any other

Company's Servants in the East-Indies guilty of Oppression or other Crimes,

See 13 G. 3. c. 63. 24. G. 3. c. 25. 26. G. 3. c. 57.

other Crime or Offence; such Offences, Crimes, and Offences, shall and may be enquired of, heard, and determined, in his Majesty's Court of King's Bench in *England*; and such Punishments shall be inflicted on such Offenders, as are usually inflicted for Offences of the like Nature committed in that Part of *Great-Britain* called *England*; and that the same, and all other Offences committed against this Act, may be alledged to be committed, and may be laid, enquired of, and tried in the County of *Middlesex*.

may be tried in the Court of King's Bench, and punished as if Offence committed in England.

V. And be it further enacted by the Authority aforesaid, That in all Actions or Suits, brought against the said United Company, their Agents, or Servants, or any Person deriving Authority under the said Company, for any Thing by him or them done in such Capacity, from and after the passing of this Act, the Defendant or Defendants, in any such Action or Suit, may plead the general Issue, and give the special Matter in Evidence.

Defendants may plead the general Issue.

VI. And be it further enacted by the Authority aforesaid, That this Act shall be deemed and taken to be a public Act; of which Notice shall be judicially taken, by all Judges, Justices, and other Persons whatsoever, without specially pleading the same.

Public Act.

VII. Provided always, and it is hereby enacted and declared, That the Defendant or Defendants, or his or their Attorney, shall deliver to the Plaintiff or Plaintiffs in every such Action, or his or their Attorney, a Notice in Writing, signed by the Defendant or Defendants, or his or their Attorney, of the Substance of the Defence or Defences, which he or they intend to rely upon, Six Days before the Trial of such Action, in Case the same is to be tried in *London* or *Middlesex*; and eight Days before the Trial thereof, in Case the same is to be tried in any other County; and the Defendant or Defendants shall not, by Virtue of this Act, be permitted, at the Trial of any such Action, to give Evidence of any Matters not contained in such Notice.

Defendant to deliver to Plaintiff a Notice of the Substance of his Defence,

and shall not give Evidence of any Matters not contained therein.

12 GEORGII III. Cap. XX.

An Act for the more effectual proceeding against Persons standing mute on their Arraignment for Felony or Piracy.

FOR the more effectual Proceeding against Persons standing mute on their Arraignment for Felony, or Piracy, be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person, from and after the passing of this Act, being arraigned on any Indictment, or Appeal for Felony, or on any Indictment for Piracy, shall, upon such Arraignment, stand mute, or will not answer directly to the Felony, or Piracy, such Person so standing mute, as aforesaid, shall be convicted of the Felony or Piracy charged in such Indictment or Appeal; and the Court before whom he shall be so arraigned shall thereupon award Judgment and Execution against such Person, in the same Manner as if such Person had been convicted by Verdict or Confession of the Felony, or Piracy, charged in such Indictment or Appeal; and such Judgment shall have all the same Consequences in every Respect as if such Person had been convicted by Verdict or Confession of such Felony or Piracy, and Judgment had been thereupon awarded.

Preamble.

Persons hereafter to be arraigned for Felony, or Piracy,

standing mute, shall be convicted of such Felony or Piracy.

II. And be it further enacted, That the Provisions of this Act shall extend to his Majesty's Colonies and Plantations in *America*.

Provisions of this Act to extend to America.

12 GEORGII III. Cap. LIV.

An Act for the more effectually securing a Quantity of Oak Timber for the Use of the Royal Navy.

WHEREAS the Tonnage of the Ships employed, and of those now building, in Order to be employed in the Service of the United Company of Merchants in *England* trading to the *East-Indies*, doth greatly exceed the Tonnage of Shipping requisite to carry on the Trade of the

Preamble.

said

said United Company to and from the *East-Indies*: And whereas the building any more Ships for the Service of the said United Company, until those which are now employed, or building to be employed as aforesaid, shall be reduced in Tonnage to the Quantity requisite for carrying on the said Trade, will Occasion an unnecessary Consumption of Oak Timber, fit for building large Ships; for Remedy whereof, and for the more effectually securing a Quantity of Oak Timber of a proper Growth for the Use of the Royal Navy; be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the eighteenth Day of *March*, in the Year of our Lord one thousand seven hundred and seventy-two, the said United Company of Merchants trading to the *East-Indies*, or any Person or Persons employed by the said Company, or any of their Directors, or any of them, shall not build, or begin to build, or cause any Person or Persons whatsoever to build, or begin to build, any new Ship (except those now building), for the Service of the said United Company, until the Tonnage of all the Ships employed, or to be employed in the Trade of the said Company, on Freight to and from the *East-Indies*, shall be reduced to forty-five thousand Tons, Builder's Measurement, on Pain that the said Company, and every other Person and Persons so offending, shall, for every Ship which shall be built, or begun to be built, contrary to the true Intent and Meaning hereof, forfeit and pay the Sum of five thousand Pounds of lawful Money of *Great-Britain*, one Moiety whereof shall be for the Use of his Majesty, his Heirs and Successors, and the other Moiety thereof, together with full Costs of Suit, for the Use of such Person or Persons who shall sue for the same, by Action of Debt, Bill, Plaint, or Information, in any of his Majesty's Courts of Record at *Westminster*, wherein no Essoin, Protection, Wager of Law, or more than one Imparlance, shall be allowed.

After March 18, 1772, the East-India Company not to build new Ships, (those now building excepted),

until the tonnage be reduced to 45,000 Tons.

II. And be it further enacted by the Authority aforesaid, That from and after the said eighteenth Day of *March*, one thousand seven hundred and seventy-two, until the Tonnage of all the Ships employed, or to be employed, in the Service of the said United Company trading to the *East-Indies*, on Freight to and from the *East-Indies*, shall be reduced to forty-five thousand Tons, Builder's Measurement, the said United Company, or any Person or Persons employed by the said Company, or any of their Directors, or any of them, shall not in any Manner whatsoever charter, contract for, or hire any Ship for the Use of the said Company, unless such Ship shall have been built, or begun to be built, on or before the said eighteenth Day of *March*, one thousand seven hundred and seventy-two, on Pain that the said Company, and every other Person or Persons so offending, shall, for every Ship which shall be so chartered, contracted for, or hired as last mentioned, forfeit and pay the Sum of five thousand Pounds of like lawful Money; one Moiety thereof to the Use of his Majesty, his Heirs and Successors, and the other Moiety thereof, together with full Costs of Suit, to the Use of the Person or Persons who shall sue for the same; to be recovered in Manner aforesaid.

The East-India Company not to charter, or hire Ships, unless built before March 18, 1772,

on Penalty of 5,000l. for each Offence, and Costs of Suit.

III. Provided nevertheless, and be it further enacted by the Authority aforesaid, That nothing herein-before contained shall be deemed, or construed to extend, to prohibit the said United Company from building, contracting for, or hiring, from Time to Time, during the Continuance of this Act, any Ship or Ships whatsoever, in *India*, or in any of his Majesty's Colonies in *America*, for their Use or Service; or from building, contracting for, or hiring within this Kingdom, during the Continuance of this Act, any Ship or Ships, not exceeding six in Number in the Whole, nor in Burthen three hundred Tons respectively, to be employed as Packets, or Advice Boats, in the said United Company's Service; and that all such last-mentioned Ships which shall be built in *India*, or in any of his Majesty's Colonies in *America*, shall be, to all Intents and Purposes, considered and deemed to be *British*-built Ships; any Law, Usage, or Custom to the contrary notwithstanding.

Nothing in this Act contained shall prohibit the East-India Company from building Ships in the Colonies, or in India.

IV. And be it further enacted by the Authority aforesaid, That where any Person shall be sued by Action of Debt for any pecuniary Forfeiture or Penalty imposed by this Act, it shall be sufficient for the Plaintiff in such Action to declare that the Defendant is indebted to him in the Sum of five thousand Pounds, being forfeited by an Act passed in the twelfth Year of the Reign of his present Majesty, *For the more effectually securing a Quantity of Oak Timber for the Use of the Royal Navy*.

If Persons are sued by Action of Debt, the Act to be given in Evidence.

V. And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons, for any Thing done in Pursuance of this Act, or of any Matter or Thing herein contained, such Act or Suit shall be commenced within the Space of six Months next after the Fact committed, and not afterwards; and shall be laid in the County or Place where the Cause of Action shall arise; and such Person or Persons shall and may plead the General Issue, and give this Act, and the special Matter, in Evidence, at any Trial thereupon, for his

Limitation of Actions.

General Issue.

his and their Defence; and if upon such Trial a Verdict shall pass for the Defendant or Defendants, or the Plaintiff or Plaintiffs shall become nonsuited, or discontinue his or their Action or Suit, or if Judgment be given for the Defendant or Defendants upon Demurrer or otherwise, then such Defendant or Defendants shall have treble Costs to him or them awarded against the Plaintiff or Plaintiffs.

Treble Costs.

VI. And be it further enacted by the Authority aforesaid, That this Act shall be deemed and allowed to be a public Act; and be judicially taken Notice of as such by all Judges, Justices, and other Persons, without specially pleading the same.

Public Act.

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12 GEORGII III. Cap. LX.

An Act for granting a Drawback of Part of the Customs upon the Exportation of Tea to Ireland, *and the* British *Dominions in* America; *for altering the Drawback upon foreign Sugars exported from* Great-Britain *to* Ireland; *for continuing the Bounty on the Exportation of* British-*made Cordage; for allowing the Importation of Rice from the* British *Plantations into the Ports of* Bristol, Liverpool, Lancaster, *and* Whitehaven, *for immediate Exportation to foreign Parts; and to empower the Chief Magistrate of any Corporation to administer the Oath, and grant the Certificate required by Law, upon the Removal of certain Goods to* London, *which have been sent into the Country for Sale.*

[So much thereof as relates to the *East-India Company*.]

Preamble.

WHEREAS the Drawback allowed by an Act of Parliament, made in the seventh Year of the Reign of his present Majesty, (intituled, *An Act for taking off the inland Duty of one Shilling* per *Pound Weight upon all Black and Singlo Teas consumed in* Great-Britain, *and for granting a Drawback upon the Exportation of Teas to* Ireland, *and the* British *Dominions in* America, *for a limited Time, upon such Indemnification to be made in Respect thereof by the* East-India Company *as is therein mentioned; for permitting the Exportation of Teas, in smaller Quantities than one Lot, to* Ireland, *or the said Dominions in* America; *and for preventing Teas, seized and condemned, from being consumed in* Great-Britain), upon the Exportation of Tea into *Ireland*, and the *British* Plantations in *America*, from this Kingdom, will cease on the fifth Day of *July*, one thousand seven hundred and seventy-two: And whereas it may tend to promote and encourage the Importation of Tea into *Ireland*, and the *British* Colonies and Plantations in *America*, from this Kingdom, and prevent the illicit Trade carried on with Foreigners for that Commodity, if a Drawback of Part of the Customs paid here was allowed upon the Exportation thereof to those Places: May it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That for and during the Space of five Years, to be computed from and after the fifth Day of *July*, one thousand seven hundred and seventy-two, there shall be drawn back and allowed for all Teas which shall be sold after the said fifth Day of *July*, one thousand seven hundred and seventy-two, at the public Sale of the United Company of Merchants of *England* trading to the *East-Indies*, or which after that Time shall be imported by Licence, in Pursuance of an Act of Parliament made in the eighteenth Year of the Reign of his late Majesty King *George* the Second, (intituled, *An Act for repealing the present inland Duty of four Shillings* per *Pound Weight upon all Tea sold in* Great-Britain, *and for granting to his Majesty certain other inland Duties, in Lieu thereof; and for better securing the Duty upon Tea, and other Duties of Excise; and for pursuing Offenders out of one County into another*); and which shall be exported from this Kingdom as Merchandize to *Ireland*, or any of the *British* Colonies or Plantations in *America*, three-fifth Parts of the several Duties of Customs which were paid upon the Importation of such Teas; which Drawback or Allowance, with Respect to such Teas as shall be exported to *Ireland*, shall be made to the Exporter in such Manner, and under such Rules, Regulations, Securities, Penalties, and Forfeitures, as any Drawback or Allowance is now payable out of the Duty of Customs upon the Exportation of foreign Goods to *Ireland*; and with Respect to such Teas as shall be exported to the *British* Colonies and Plantations

Act 7 Geo. 3. c. 56.

A Drawback of three-fifth Parts of Duties of Customs to be allowed on Teas exported to Ireland or America.

See further, 13 Geo. 3. c. 44.: 17 Geo. 3. c. 27.: and 24 Geo. 3. c. 38.

18 Geo. 2. c. 26.

Plantations in *America*, the said Drawback or Allowance shall be made in such Manner, and under such Rules, Regulations, Penalties, and Forfeitures, as any Drawback or Allowance, payable out of the Duty of Customs upon foreign Goods exported to foreign Parts, was, could, or might be made, before the passing of this Act, (except in such Cases as are otherwise provided for by this Act).

Drawback not to be allowed if not exported pursuant to Act 10 Geo. 1. c. 10.

II. Provided always, and it is hereby further enacted by the Authority aforesaid, That the Drawback allowed by this Act shall not be paid or allowed for any Teas which shall not be exported directly from the Warehouse or Warehouses wherein the same shall be lodged, pursuant to the Directions of an Act, made in the tenth Year of the Reign of his late Majesty King *George* the First, and the before-recited Act, made in the eighteenth Year of the Reign of his late Majesty King *George* the Second.

After July 5, 1772, no Tea to be exported to Ireland, &c.

in Ships of less burthen 80 Tons, &c.

under Penalty of Forfeiture of such Tea, and the Package.

III. And be it further enacted by the Authority aforesaid, That from and after the said fifth Day of *July*, one thousand seven hundred and seventy-two, no Tea shall be exported or laden on board any Ship or Vessel in Order to be exported to the Kingdom of *Ireland*, or to any of the *British* Colonies or Plantations in *America*, in any Ship of less Burthen than eighty Tons, nor in any Chest, Cask, Tub, or Package, whatsoever, other than that in which it was originally imported into *Great-Britain*, nor in any less Quantity than the whole and entire Quantity contained in any Chest, Cask, Tub, or Package, in which the same was sold at the public Sale of the said *East-India* Company, or in which the same was imported by Licence as aforesaid, under the Penalty of the Forfeitures of such Tea, and the Package containing the same, or the Value thereof.

Merchants entering Tea for Ireland or America, and landing it in other Ports, to forfeit the Drawback, and treble the Value of the Cargo.

IV. And it is hereby further enacted by the Authority aforesaid, That if any Merchant, or other Person, shall enter any Tea, for Exportation to *Ireland*, or any of the *British* Colonies or Plantations in *America*, in Order to obtain the Drawback allowed by this Act, and such Tea shall be carried to any other Part or Place beyond the Seas, and landed there; then and in every such Case the Drawback paid, or to be paid for the same, shall be forfeited, and the Exporter of such Tea, and the Master of the Ship or Vessel on board which the same was loaden and exported, and every Person concerned or assisting in the Exportation, or landing of the said Tea, whether any Drawback hath been or is to be paid for the same, or not, shall forfeit treble the Value of such Tea.

Manner of Prosecutions.

V. And be it further enacted by the Authority aforesaid, That the several Penalties and Forfeitures, as well specific as pecuniary, by this Act inflicted, shall and may be sued for, prosecuted, and recovered, in any of his Majesty's Courts of Record at *Westminster*, by Action, *Bill*, Plaint, or Information, in the Name of his Majesty's Attorney-General, or in the Name or Names of some Officer or Officers of the Customs, in such and the like Manner and Form, and by the same Rules and Regulations, as other Penalties and Forfeitures for Offences against the Laws relating to the Customs may, by any Act or Acts of Parliament now in Force, be sued for, prosecuted, and recovered; and that one Moiety of every such Penalty and Forfeiture shall be to his Majesty, his Heirs and Successors, and the other Moiety to such Officer or Officers of the Customs as shall inform and prosecute for the same.

General Issue.

Treble Costs.

XII. And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons, for any Thing done in Pursuance of this Act, the Defendant or Defendants, in such Action or Suit, may plead the general Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in Pursuance and by the Authority of this Act: And if it shall appear so to have been done, the Jury shall find for the Defendant or Defendants; and if the Plaintiff shall be nonsuited, or discontinue his Action after the Defendant or Defendants shall have appeared, or if Judgment shall be given upon any Verdict or Demurrer against the Plaintiff, the Defendant or Defendants shall recover treble Costs, and have the like Remedy for the same as Defendants have in other Cases by Law.

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13 Georgii III. Cap. XLIII.

An Act to regulate the Importation and Exportation of Corn.

[So much thereof as relates to *Saint Helena.*]

Articles which may be exported from Ports herein mentioned.

VIII. Provided also, That nothing herein-before contained shall extend to prohibit the several Articles herein-after expressed being exported out of and from the respective Ports

Ports in this Kingdom herein-after mentioned, and from no other, to the several Places as herein-after mentioned, for the Sustenance and Use of the Inhabitants thereof, so as the same do not exceed the several Quantities respectively limited to those Places within twelve calendar Months: (that is to say,)

From the Port of *London*	To *Gibraltar*.	Any Quantity of Wheat, Meal, Flour, Rye, Barley, or Malt, not exceeding two thousand five hundred Quarters in the Whole.
	To *Minorca*.	Any Quantity of Wheat, Meal, Flour, Rye, Barley, or Malt, not exceeding three thousand five hundred Quarters in the Whole.
	To *St. Helena*.	Any Quantity of Wheat, Meal, Flour, Rye, Barley, or Malt, not exceeding five hundred Quarters in the Whole.
From the Port of *Southampton*	To the Islands of *Guernsey* and *Jersey*.	Any Quantity of Wheat, Meal, Flour, Rye, Barley, or Malt, not exceeding five thousand Quarters in the Whole to both Places.
From the Ports of *Whitehaven* and *Liverpool*	To the *Isle of Man*.	Any Quantity of Wheat, Barley, Oats, Meal, or Flour, not exceeding two thousand five hundred Quarters in the Whole; one Moiety thereof to be exported from the said Port of *Whitehaven*, and the other Moiety thereof to be exported from the said Port of *Liverpool*.

Extended by 16 Geo. 3. c. 37. s. 2. to 1,000 Quarters.

Security to be taken from the Exporters without Fee or Reward.

So as the Exporters, before the shipping thereof, do declare the Island or Place for which the said Articles are respectively designed, and do become bound to his Majesty, his Heirs and Successors, with one other sufficient Security, (to be approved by the Collector and Comptroller of the Customs at the Port of Exportation), in treble the Value thereof, with Condition that the said Articles so permitted to be exported shall be landed at the respective Island or Place for which the same shall be so declared and entered for the Use and Sustenance of the Inhabitants there, and shall not be landed or sold in any other Parts whatsoever, the Danger of the Seas and Enemies excepted; and that a Certificate under the Hand and Seal of the Collector, Comptroller, or other chief Officer of the Customs, or if no such, of the naval Officer, or some other principal Officer of the Place where the same shall be landed, shall, within twelve calendar Months from the Date of the Bond given for landing such Commodities in *Gibraltar* or *Minorca*, and within eighteen calendar Months from the Date of the Bond given for landing such Commodities in *Saint-Helena*, and within six Calendar Months from the Date of the Bond given for landing such Commodities in the Islands of *Guernsey*, *Jersey*, or *Man*, (the Danger of the Seas excepted), be returned to the Officers who took the said Bonds, that the said Commodities have been landed at the Place for which the same shall have been so declared and entered; and for the taking such Security, and giving such Certificate, which the respective Officers are hereby required on Demand to give, no Fee or Reward shall be demanded or received: And if any Officer shall make any false Certificate of any such Commodities being so landed, such Officer shall forfeit the Sum of two hundred Pounds, and lose his Employment, and be incapable of serving his Majesty, his Heirs or Successors in any Office relating to the Customs: And if any Person shall counterfeit, erase, or falsify any Certificate, directed or required by this Act, or knowingly publish any such counterfeit, erased, or false Certificate, he shall forfeit the Sum of two hundred Pounds; and such Certificate shall be void and of no Effect: Which said Penalties, for Offences committed in *Great-Britain*, shall be recovered in the same Courts and in the same Manner, as the other Penalties inflicted by this Act are recoverable; and for Offences committed in any other the Dominions belonging to the Crown of *Great-Britain* in *Europe*, shall be recovered in the High Court of Admiralty, or in any other chief Court of civil or criminal Jurisdiction, in such respective Dominions, and shall be divided into equal Moieties between his Majesty and the Informer; and the said Bond or Bonds, if not prosecuted within three Years, shall be void.

Penalty on making a false Certificate.

13 GEORGII III. Cap. XLIV.

An Act to allow a Drawback of the Duties of Customs on the Exportation of Tea to any of his Majesty's Colonies or Plantations in America; *to increase the Deposit on Bohea Tea to be sold at the* India *Company's Sales; and to impower the Commissioners of the Treasury to grant Licences to the* East-India *Company to export Tea Duty-free.*

Preamble, reciting 12 Geo. 3. c. 60.

WHEREAS by an Act, made in the twelfth year of his present Majesty's Reign, (intituled, *An Act for granting a Drawback of Part of the Customs upon the Exportation of Tea to* Ireland, *and the* British *Dominions in* America; *for altering the Drawback upon foreign Sugars exported from* Great-Britain *to* Ireland; *for continuing the Bounty on the Exportation of* British-*made Cordage; for allowing the Importation of Rice from the* British *Plantations into the Ports of* Bristol, Liverpool, Lancaster, *and* Whitehaven, *for immediate Exportation of foreign Parts; and to impower the chief Magistrate of any Corporation to administer the Oath, and grant the Certificate required by Law, upon the Removal of certain Goods to* London, *which have been sent into the Country for Sale)*; it is, amongst other Things, enacted, That for and during the Space of five Years, to be computed from and after the fifth Day of *July*, one thousand seven hundred and seventy-two, there shall be drawn back and allowed for all Teas which shall be sold after the said fifth Day of *July*, one thousand seven hundred and seventy-two, at the public Sale of the United Company of Merchants of *England* trading to the *East-Indies*, or which after that Time shall be imported, by Licence, in Pursuance of the said therein and herein-after mentioned Act, made in the eighteenth Year of the Reign of his late Majesty King *George* the Second, and which shall be exported from this Kingdom, as Merchandize, to *Ireland*, or any of the *British* Colonies or Plantations in *America*, three-fifth Parts of the several Duties of Customs which were paid upon the Importation of such Teas; which Drawback or Allowance, with Respect to such Teas as shall be exported to *Ireland*, shall be made to the Exporter, in such Manner, and under such Rules, Regulations, Securities, Penalties, and Forfeitures, as any Drawback or Allowance was then payable, out of the Duty of Customs upon the Exportation of foreign Goods to *Ireland*; and with Respect to such Teas as shall be exported to the *British* Colonies and Plantations in *America*, the said Drawback or Allowance shall be made in such Manner, and under such Rules, Regulations, Penalties, and Forfeitures, as any Drawback or Allowance payable out of the Duty of Customs upon foreign Goods exported to foreign Parts, was, could, or might be made, before the passing of the said Act of the twelfth Year of his present Majesty's Reign, (except in such Cases as are otherwise therein provided for): And whereas it may tend to the Benefit and Advantage of the Trade of the said United Company of Merchants of *England* trading to the *East-Indies*, if the Allowance of the Drawback of the Duties of the Customs upon all Teas sold at the public Sales of the said United Company, after the tenth Day of *May*, one thousand seven hundred and seventy-three, and which shall be exported from this Kingdom, as Merchandize, to any of the *British* Colonies or Plantations in *America*, were to extend to the Whole of the said Duties of Customs payable upon the Importation of such Teas; may it therefore please your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That there shall be drawn back and allowed for all Teas, which, from and after the tenth Day of *May*, one thousand seven hundred and seventy-three, shall be sold at the public Sales of the said United Company, or which shall be imported by Licence, in Pursuance of the said Act made in the eighteenth Year of the Reign of his late Majesty King *George* the Second, and which shall, at any Time hereafter, be exported from this Kingdom, as Merchandize, to any of the *British* Colonies or Plantations in *America*, the Whole of the Duties of Customs payable upon the Importation of such Teas; which Drawback or Allowance shall be made to the Exporter in such Manner, and under such Rules, Regulations, and Securities, and subject to the like Penalties and Forfeitures, as the former Drawback or Allowance granted by the said recited Act of the twelfth Year of his present Majesty's Reign, upon Tea exported to the said *British* Colonies and Plantations in *America*, was, might, or could be made, and was subject to by the said recited Act, or any other Act of Parliament now in Force, in as full and ample Manner, to all Intents and Purposes, as if the several Clauses relative thereto were again repeated and re-enacted in this present Act.

After May 10, 1773, on all Teas sold at public Sales, or imported by Licence, and afterwards exported as Merchandize to America, the Whole Duties of Customs to be drawn back.

II. And

II. And whereas, by one other Act made in the eighteenth Year of the Reign of his late Majesty King *George* the Second, (intituled, *An Act for repealing the present inland Duty of four Shillings* per *Pound Weight upon all Tea sold in* Great-Britain, *and for granting to his Majesty certain other inland Duties in Lieu thereof; and for better securing the Duty upon Tea, and other Duties of Excise; and for pursuing Offenders out of one County into another)*, it is, amongst other Things, enacted, That every Person who shall, at any public Sale of Tea made by the United Company of Merchants of *England* trading to the *East-Indies*, be declared to be the best Bidder for any Lot or Lots of Tea, shall, within three Days after being so declared the best Bidder or Bidders for the same, deposit with the said United Company, or such Clerk or Officer as the said Company shall appoint to receive the same, forty Shillings for every Tub and for every Chest of Tea; and in Case any such Person or Persons shall refuse or neglect to make such Deposit within the Time before limited, he, she, or they, shall forfeit and lose six Times the Value of such Deposit directed to be made as aforesaid, to be recovered by Action of Debt, Bill, Plaint, or Information, in any of his Majesty's Courts of Record at *Westminster*, in which no Essoin, Protection, or Wager of Law, or more than one Imparlance, shall be allowed; one Moiety of which Forfeiture shall go to his Majesty, his Heirs and Successors, and the other Moiety to such Person as shall sue or prosecute for the same; and the Sale of all Teas, for which such Deposit shall be neglected to be made as aforesaid, is thereby declared to be null and void, and such Teas shall be again put up by the said United Company to public Sale, within fourteen Days after the End of the Sale of Teas at which such Teas were sold; and all and every Buyer or Buyers, who shall have neglected to make such Deposit as aforesaid, shall be, and is and are thereby rendered incapable of bidding for or buying any Teas at any future public Sale of the said United Company: And whereas it is found to be expedient and necessary to increase the Deposit to be made by any Bidder or Bidders for any Lot or Lots of Bohea Teas, at the public Sales of Teas to be made by the said United Company; be it enacted by the Authority aforesaid, That every Person who shall, after the tenth Day of *May*, one thousand seven hundred and seventy-three, at any public Sale of Tea to be made by the said United Company of Merchants of *England* trading to the *East-Indies*, be declared to be the best Bidder or Bidders for any Lot or Lots of Bohea Tea, shall, within three Days after being so declared the best Bidder or Bidders for the same, deposit with the said United Company, or such Clerk or Officer as the said United Company shall appoint to receive the same, four Pounds of lawful Money of *Great-Britain* for every Tub and for every Chest of Bohea Tea, under the same Terms and Conditions, and subject to the same Forfeitures, Penalties, and Regulations, as are mentioned and contained in the said recited Act of the eighteenth Year of the Reign of his said late Majesty.

Act 18 G. 2. c. 26. recited.

Every Person, after May 10, 1773, who shall be declared the highest Bidder at any public Sale, shall deposit with the Company 4l. for every Tub or Chest of Bohea Tea.

III. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Commissioners of his Majesty's Treasury, or any three or more of them, or for the High Treasurer for the Time being, upon Application made to them by the said United Company of Merchants of *England* trading to the *East-Indies*, for that Purpose, to grant a Licence or Licences to the said United Company, to take out of their Warehouses, without the same having been put up to sale, and to export to any of the *British* Plantations in *America*, or to any Parts beyond the Seas, such Quantity or Quantities of Tea as the said Commissioners of his Majesty's Treasury, or any three or more of them, or the High Treasurer for the Time being, shall think proper and expedient, without incurring any Penalty or Forfeiture for so doing; any Thing in the said in Part recited Act, or any other Law, to the contrary notwithstanding.

Commissioners of the Treasury may grant Licences to the East-India Company to export to America any Quantity of Tea they shall think proper, without incurring any Penalty.

IV. And whereas by an Act made in the ninth and tenth Years of the Reign of King *William* the Third, (intituled, *An Act for raising a Sum not exceeding two millions, upon a Fund, for Payment of Annuities, after the Rate of eight Pounds* per Centum per Annum; *and for settling the Trade to the* East-Indies), and by several other Acts of Parliament which are now in Force, the said United Company of Merchants of *England* trading to the *East-Indies*, are obliged to give Security, under their Common Seal, for Payment of the Duties of Customs upon all unrated Goods imported by them, so soon as the same shall be sold; and for exposing such Goods to sale, openly and fairly, by Way of Auction, or by Inch of Candle, within the Space of three Years from the Importation thereof: And whereas it is expedient that some Provision should be made to permit the said United Company, in certain Cases, to export Tea, on their own Account, to the *British* Plantations in *America*, or to foreign Parts, without exposing such Tea to sale here, or being charged with the Payment of any Duty for the same; be it therefore enacted by the Authority aforesaid, That from and after the passing of this Act, it shall and may be lawful for the Commissioners of his Majesty's Treasury, or any three or more of them, or the High Treasurer for the Time being, to grant a Licence or Licences to the said United

9 & 10 W. 3. c. 44. recited.

See 6 Ann. c. 3; 10 Ann. c. 29.

Treasury may grant Licence to the Company for any Quantity of Tea to be exported to America, discharged of Customs.

United Company, to take out of their Warehouses such Quantity or Quantities of Tea as the said Commissioners of the Treasury, or any three or more of them, or the High Treasurer for the Time being, shall think proper, without the same having been exposed to Sale in this Kingdom; and to export such Tea to any of the *British* Colonies or Plantations in *America*, or to foreign Parts, discharged from the Payment of any Customs or Duties whatsoever; any Thing in the said recited Act, or any other Act, to the contrary notwithstanding.

Entry to be made of all Tea exported by Licence, and shipped by the proper Officer; and such Tea is liable to the same Rules, Penalties, &c. not hereby altered, as before passing this Act. Officer's and Collector's Duty on Exportation.

V. Provided always, and it is hereby further enacted by the Authority aforesaid, That a due Entry shall be made at the Custom-house of all such Tea so exported by Licence, as aforesaid, expressing the Quantities thereof, at what Time imported, and by what Ship; and such Tea shall be shipped for Exportation by the proper Officer for that Purpose, and shall, in all other Respects, not altered by this Act, be liable to the same Rules, Regulations, Restrictions, Securities, Penalties, and Forfeitures, as Tea exported to the like Places was liable to before the passing of this Act: And upon the proper Officer's Duty, certifying the shipping of such Tea to the Collector and Comptroller of his Majesty's Customs for the Port of *London*, upon the Back of the Licence, and the Exportation thereof, verified by the Oath of the Husband or Agent for the said United Company, to be wrote at the Bottom of such Certificate, and sworn before the said Collector and Comptroller of the Customs, (which Oath they are hereby impowerd to administer), it shall and may be lawful for such Collector and Comptroller to write off and Discharge the Quantity of Tea so exported from the Warrant of the respective Ship in which such Tea was imported.

No Licence to be granted, unless 10 millions lb. wt. of Tea be left in the Warehouses.

VI. Provided nevertheless, That no such Licence shall be granted, unless it shall first be made to appear to the Satisfaction of the Commissioners of his Majesty's Treasury, or any three or more of them, or the High Treasurer for the Time being, that at the Time of taking out such Teas, for the Exportation of which a Licence or Licences shall be granted, there will be left remaining in the Warehouses of the said United Company, a Quantity of Tea not less than ten millions of Pounds Weight; any Thing herein, or in any other Act of Parliament, contained to the contrary thereof notwithstanding.

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13 GEORGII III. Cap. LXIII.

An Act for establishing certain Regulations for the better Management of the Affairs of the East-India Company, *as well in* India *as in* Europe.

Preamble.

WHEREAS the several Powers and Authorities granted by Charters to the United Company of Merchants of *England* trading to the *East-Indies*, have been found, by Experience, not to have sufficient Force and Efficacy to prevent various Abuses which have prevailed in the Government and Administration of the Affairs of the said United Company, as well at Home as in *India*, to the manifest Injury of the public Credit, and of the commercial Interests of the said Company; and it is therefore become highly expedient that certain further Regulations, better adapted to their present Circumstances and Condition, should be provided and established: And whereas the electing and chusing of Directors of the said United Company every Year, in such Manner as at present prescribed by Charter, has not answered the good Purposes intended thereby, but, on the contrary, by limiting the Duration of their Office to so short a Time, evidently tends to weaken the Authority of the Court of Directors, and to produce Instability in the Councils and Measures of the said Company: May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That at the next ensuing general Election of Directors of the said United Company, instead of an Election of twenty-four Directors to serve for the Space of one Year only, there shall be chosen, in such Manner and Order as the Directors of the said United Company for the Time being shall appoint, six Directors expressly for the Term of one Year, and six other Directors for the Term of two Years, and six other Directors for the Term of three Years, and the remaining six Directors for the Term of four Years, and not otherwise; and from thenceforth yearly and every Year, and at the Expiration of each and every of the said Terms respectively, six new Directors, and no more, shall be chosen, from Time to Time, in the Place of such Directors whose Term shall have expired, and who are hereby

At the next ensuing general Election, instead of 24 for one Year, there shall be chosen six Directors for the Term of one Year; six for two Years; six for three Years; six for four Years; and so hereafter yearly.

hereby declared incapable of being then rechosen; and at every subsequent Election, during the Continuance of the Charter of the said United Company, six new Directors shall be chosen, and shall continue to be Directors for the Term of four Years, and no longer, to be accounted from the Day on which the Election of such Directors was respectively made; and in Case the Office and Authority of any such Director shall become void by Death, Removal or otherwise, another shall be chosen from Time to Time, in his Place, to serve as a Director during the Remainder of such Term for which the Person whose Office shall have become void was chosen, and no longer.

By 17 G. 3. c. 8. the annual Election is fixed to the second Wednesday in April.

II. And it is hereby further enacted, That no Person or Persons whatsoever, employed in any civil or military Station, Office, or Capacity whatsoever, in the *East-Indies*, or claiming or exercising any Power, Authority, or Jurisdiction therein, shall be capable of being appointed or chosen into the Office of Director until such Person or Persons shall have returned to and been resident in *England* for the Space of two Years; any Law or Usage to the contrary notwithstanding.

No Person employed in the East-Indies shall be chosen a Director, until he shall have been resident in England for two Years.

III. And whereas it has been found, that the Provision made by the Charter of the tenth Year of the Reign of King *William* the Third, under which Persons possessed of five hundred Pounds Stock are intitled to vote in General Courts, has been productive of much Inconvenience in the present Situation of the Company, and tends to promote the mischievous Practice of making collusive Transfers, which Practice hath not been sufficiently prevented by the Provision made by an Act of the seventh Year of his present Majesty's Reign, whereby the Right of voting is limited to Persons having been six Calendar Months in Possession of their Stock; be it further enacted, That all Transfers of Stocks whatsoever made to any Person or Persons, in any fraudulent or collusive Manner, on Purpose to qualify him, her, or them, to give his, her, or their Vote or Votes, at any Election of Members of the Court of Directors, or in any General Court of the said United Company, (subject nevertheless to Conditions or Agreements, either verbal or in Writing, to defeat or determine such Transfers, or to retransfer or return the same), shall be deemed and taken against those Persons who transferred the same, as free and absolute, and be holden and enjoyed by all and every such Person or Persons to whom such Transfer shall be made, as aforesaid, freely and absolutely acquitted, exonerated, and discharged, of and from all Manner of Trusts, Conditions, Powers of Revocation, Provisoes of Redemption, or other Defeazances between or with the said Parties, or any other Person or Persons in trust for them; and that all Bonds, Covenants, Notes Collateral, or other Securities, Contracts, or Agreements, between or with the said Parties, or any other Person or Persons in trust for them, or any of them, for the retransferring, redeeming, revoking, or defeating such Transfer, or for the restoring or retransferring thereof, or any Part thereof, to any Person or Persons who made such Transfer, or to any other Person or Persons in Trust for them, or any of them, shall be null and void to all Intents and Purposes whatsoever: And that every Person to whom such Transfer shall have been made, and who shall have voted by Virtue thereof, at any Election of Members of the Court of Directors, or in any General Court of the said United Company, and who shall afterwards retransfer or return the same, in Consequence of any Trust, Condition, Powers of Revocation, Proviso of Redemption, or other Defeazance whatsoever, as aforesaid, shall, for every such Offence, forfeit the Sum of one thousand Pounds; one Moiety whereof shall go and be disposed of to any Person who shall sue for the same, and the other Moiety to his Majesty, his Heirs and Successors; to be recovered, together with full Costs of Suit, by Action of Debt, Bill, Plaint, or Information, in any of his Majesty's Courts of Record at *Westminster*, wherein no Essoin, Privilege, Protection, Wager of Law, or more than one Imparlance, shall be admitted or allowed; and that from and after the first Day of *October*, one thousand seven hundred and seventy-three, no Member or Proprietor of the said United Company shall be deemed qualified, or capable to vote, or be admitted to give any Vote or Votes, at any Election of Directors, or at any General Court of the said United Company, in Respect of any Stock amounting to less than one thousand Pounds, nor in Respect of any Stock transferred to him, her, or them, after the said first Day of *October*, one thousand seven hundred and seventy-three, until he, she, or they, shall have been possessed of such Stock twelve Calendar Months, in his, her, or their own Right, and not in Trust for any other Person or Persons whatsoever, freed and discharged of all Incumbrances which can or may affect the same, unless such Stock shall have been acquired, or shall have come to such Proprietor by Bequest, or by Marriage, or by Succession to any Intestate's Estate, or by the Custom of the City of *London*, or by any Deed of Settlement after the Death of any Person who shall have been intitled for Life to the Dividends of such Stock; any Law, Statute, or Usage, to the contrary notwithstanding.

All Transfers made in a collusive Manner to qualify Voters at Elections;

and all Bonds, Covenants, &c. with Persons in Trust, shall be null and void:

Penalty on Persons who shall vote by Virtue of collusive Transfers at any Election, and shall afterwards retransfer the Stock in Consequence of any Trusts, &c.

After Oct. 1, 1773, no Proprietor shall vote at any Election of Directors in Respect of Stock amounting to less than 1,000l. nor until he shall have been possessed thereof 12 Calendar Months.

Certain Cases excepted.

Every Proprietor possessed of 3,000l. capital Stock shall be entitled to two Votes at any Election; if possessed of 6,000l. he shall have three Votes; and when possessed of 10,000l. shall be entitled to four Votes.

IV. Provided always, and be it further enacted by the Authority aforesaid, That every Member or Proprietor of the said United Company, who shall be possessed, for the Time or Term aforesaid, in his or her own Right, of three thousand Pounds capital Stock of the said Company, shall be intitled to give two Votes at any Election of Directors, or at any Ballot of the said Company; and every Member or Proprietor who shall be possessed, for the Time or Term aforesaid, of six thousand Pounds, in his or her own Right, shall be intitled to give three Votes; and every Member or Proprietor who shall be possessed, for the Time or Term aforesaid, of ten thousand Pounds, or more, shall be intitled to give four Votes at such Election or Ballot; and the Oath and Affirmation herein-after respectively prescribed, shall, as Occasion shall require, be altered in such Manner as shall be necessary to comprise such Right of Voting.

Every Member shall be deemed qualified to vote at Elections of Directors, in Respect of 1,000l. Stock, possessed from Oct. 1, 1773.

V. Provided always, and it is hereby further enacted, That any Member or Proprietor of the said United Company shall be deemed qualified or capable to vote, and shall be admitted to give his or her Vote or Votes, at any Election of Directors, or at any General Court of the said United Company, that shall be held after the first Day of *October*, one thousand seven hundred and seventy-three, in Respect of any such Stock, not amounting to less than one thousand Pounds, whereof he or she shall have been possessed from the said first Day of *October*, any Thing herein contained to the contrary notwithstanding: And the Oath and Affirmation herein-after respectively prescribed shall be, as Occasion shall require, altered in such Manner in Respect of the Continuance of the Possession of such Stock, as to comprise the Time aforesaid.

Upon Election of Directors, every Proprietor shall, before admitted to vote, take the following Oath.

VI. And be it further enacted by the Authority aforesaid, That from and after the first Day of *October*, one thousand seven hundred and seventy-three, upon every Election to be made of any Member or Members of the Court of Directors, and upon every Ballot to be taken at any General Court of the said United Company, every Member or Proprietor of the said Company shall, before admitted to vote at such Election, or in such General Court, first take the Oath hereafter mentioned before two or more of the Directors of the said United Company, who are hereby empowered to administer such Oath; (that is to say),

'I *A. B.* do swear,' (or, being one of the People called *Quakers*, 'do solemnly Affirm'), 'That 'the Sum of one thousand Pounds or more of the capital Stock of the United Company of 'Merchants of *England* trading to the *East-Indies*, standing in my Name, doth at this Time be-'long, and hath for the Space of twelve Calendar Months actually belonged to me, in my own 'Right, and not in Trust for any Person or Persons whatsoever; and that I have been in the actual 'Receipt of the Dividends and Profits thereof for my own Use, freed and discharged of all In-'cumbrances which can or may affect the same, for the said Space of twelve Calendar Months; 'or that the same came to me within the Time aforesaid by Bequest, or by Marriage, or by Suc-'cession to an Intestate's Estate, or by the Custom of the City of *London*, or by Settlement; and 'that such Stock has not been transferred or made to me fraudulently or collusively, on Purpose 'to qualify me to give my Vote; and that I have not before given my Vote on this Ballot.

'*So help me* GOD.'

Persons committing wilful Perjury, or corruptly suborning others so to do, shall be liable to the Penalties in Act 5 Eliz. c. 9.; and 2 Geo. 2. c. 25.

And in case any Person taking the Oath or Affirmation hereby appointed shall thereby commit wilful Perjury, and be thereof convicted; and if any Person do unlawfully or corruptly procure or suborn any other Person to take the said Oath or Affirmation, in order to vote, whereby he or she shall commit such wilful Perjury, and shall be thereof convicted, he, she, and they, for every such Offence, shall incur such Pains and Penalties as are in and by two Acts of Parliament, the one made in the fifth Year of the late Queen *Elizabeth*, intituled, *An Act for punishing such Persons as shall procure or commit wilful Perjury, or suborn or procure any Person to commit any wilful or corrupt Perjury;* the other made in the second Year of his Majesty King *George* the Second, intituled, *An Act for the more effectual preventing and further Punishment of Forgery, Perjury, and Subornation of Perjury, and to make it Felony to steal Bonds, Notes, or other Securities, for Payment of Money*, directed to be inflicted for Offences committed contrary to the said Acts.

A Governor-General and four Counsellors to be appointed, in whom the whole Civil and Military Government of Bengal, Bahar, and Orissa, shall be vested.

VII. And, for the better Management of the said United Company's Affairs in *India*, be it further enacted by the Authority aforesaid, That, for the Government of the Presidency of *Fort William* in *Bengal*, there shall be appointed a Governor-General and four Counsellors; and that the whole Civil and Military Government of the said Presidency, and also the Ordering, Management, and Government, of all the territorial Acquisitions and Revenues in the Kingdoms of *Bengal*, *Bahar*, and *Orissa*, shall, during such Time as the territorial Acquisitions and Revenues shall remain in the Possession of the said United Company, be, and are hereby vested in the said Governor

vernor-General and Council of the said Presidency of *Fort William* in *Bengal*, in like Manner, to all Intents and Purposes whatsoever, as the same now are, or at any Time heretofore might have been exercised by the President and Council, or Select Committee, in the said Kingdoms.

See further Provision in 19 Geo. 3. c. 61.; 20 G. 3. c. 56.; 21 G. 3. c. 65.; 21 G. 3. c. 70.; 26 G. 3. c. 16.

24 G. 3. Sess. 2. c. 25.

In Case of Difference of Opinion, the Decision of the major Part to be conclusive; and in Case of Death, Removal, or Absence, the Governor, or eldest Counsellor to have a casting Voice.

VIII. And be it enacted by the Authority aforesaid, That in all Cases whatsoever, wherein any Difference of Opinion shall arise upon any Question proposed in any Consultation, the said Governor-General and Council shall be bound and concluded by the Opinion and Decision of the major Part of those present: And if it shall happen that, by the Death or Removal, or by the Absence, of any of the Members of the said Council, such Governor-General and Council shall happen to be equally divided; then, and in every such Case the said Governor-General, or, in his Absence, the eldest Counsellor present, shall have a casting Voice, and his Opinion shall be decisive and conclusive.

The Powers of the Governor-General and Council defined. Further Powers granted by 21 G. 3. c. 70. 24. G. 3. c. 25. and 26 Geo. 3. c. 16.

IX. And be it further enacted by the Authority aforesaid, That the said Governor-General and Council, or the major Part of them, shall have, and they are hereby authorised to have Power of superintending and controuling the Government and Management of the Presidencies of *Madras*, *Bombay* and *Bencoolen*, respectively, so far and in so much as that it shall not be lawful for any President and Council of *Madras*, *Bombay* and *Bencoolen*, for the Time being, to make any Orders for commencing Hostilities, or declaring or making War, against any *Indian* Princes or Powers, or for negotiating or concluding any Treaty of Peace, or other Treaty, with any such *Indian* Princes or Powers, without the Consent and Approbation of the said Governor-General and Council first had and obtained, except in such Cases of imminent Necessity as would render it dangerous to postpone such Hostilities or Treaties until the Orders from the Governor-General and Council might arrive; and except in such Cases where the said Presidents and Councils respectively shall have received special Orders from the said United Company; and any President and Council of *Madras*, *Bombay*, or *Bencoolen*, who shall offend in any of the Cases aforesaid, shall be liable to be suspended from his or their Office by the Order of the said Governor-General and Council; and every President and Council of *Madras*, *Bombay*, and *Bencoolen*, for the Time being, shall, and they are hereby respectively directed and required, to pay due Obedience to such Orders as they shall receive, touching the Premises, from the said Governor-General and Council for the Time being, and constantly and diligently to transmit to the said Governor-General and Council Advice and Intelligence of all Transactions and Matters whatsoever, that shall come to their Knowledge, relating to the Government, Revenues, or Interest, of the said United Company; and the said Governor-General and Council for the Time being shall, and they are hereby directed and required to pay due Obedience to all such Orders as they shall receive from the Court of Directors of the said United Company, and to correspond from Time to Time, and constantly and diligently transmit to the said Court an exact Particular of all Advices or Intelligence, and of all Transactions and Matters whatsoever, that shall come to their Knowledge relating to the Government, Commerce, Revenues, or Interest, of the said United Company; and the Court of Directors of the said Company, or their Successors, shall, and they are hereby directed and required, from Time to Time, before the Expiration of fourteen Days after the receiving any such Letters or Advices, to give in and deliver unto the High Treasurer, or Commissioners of his Majesty's Treasury for the Time being, a true and exact Copy of such Parts of the said Letters or Advices as shall any Way relate to the Management of the Revenues of the said Company; and in like Manner to give in and deliver to one of his Majesty's principal Secretaries of State for the Time being, a true and exact Copy of all such Parts of the said Letters or Advices, as shall any Way relate to the Civil or Military Affairs and Government of the said Company; all which Copies shall be fairly written, and shall be signed by two or more of the Directors of the said Company.

The three other Presidencies to obey the Orders of the Supreme Government;

and the Supreme Government to obey the Orders of the Directors.

And to transmit Intelligence of all Occurrences to Directors, who within 14 Days, are to transmit Copies of what relates to the Revenues to the Treasury, and of what relates to the Government to a Secretary of State.

Names of the first Governor-General, &c.

X. And it is hereby further enacted, That *Warren Hastings*, Esquire, shall be the first Governor-General: and that Lieutenant-General *John Clavering*, the Honourable *George Monson*, *Richard Barwell*, Esquire, and *Philip Francis*, Esquire, shall be the four first Counsellors; and they, and each of them, shall hold and continue in his and their respective Offices for and during the Term of five Years from the Time of their Arrival at *Fort William* in *Bengal*, and taking upon them the Government of the said Presidency, and shall not be removable, in the mean Time, except by his Majesty, his Heirs and Successors, upon Representation made by the Court of Directors of the said United Company for the Time being: And in Case of the Avoidance of the Office of such Governor-General by Death, Resignation, or Removal, his Place shall, during the Remainder of the Term aforesaid, as often as the Case shall happen, be supplied by the Person of the Council who stands next in Rank to such Governor-General; and in Case of the Death, Removal, Resignation, or Promotion, of any of the said Council, the Directors of the said United Company

Directors may supply Vacancies for the unexpired Term.

Company are hereby impowered, for and during the Remainder of the said Term of five Years, to nominate and appoint, by and with the Consent of his Majesty, his Heirs and Successors, to be signified under his or their Sign Manual, a Person to succeed to the Office so become vacant in the said Council; and, until such Appointment shall be made, all the Powers, and Authorities vested in the Governor-General and Council shall rest and continue in, and be exercised and executed by, the Governor-General and Council remaining and surviving; and from and after the Expiration of the said Term of five Years, the Power of nominating and removing the succeeding Governor-General and Council shall be vested in the Directors of the said United Company.

Time when the Provisions relating to the Governor and Council shall commence.

XI. And be it further enacted by the Authority aforesaid, That the said several Provisions relating to the said Governor-General and Council shall commence and take Place from and immediately after the Time that public Proclamation shall be made of the Arrival of the said Governor-General and Counsellors herein-before appointed, or any three of them, at *Fort William* in *Bengal*, which Proclamation the said Governor-General and Council are hereby required to make.

The Company may appoint Officers in Pursuance of former Acts or Charters.

XII. Provided always, That nothing in this Act shall extend, or be construed to extend, to prevent, controul, or restrain, the said United Company from constituting and appointing such Officers, Factors, or Agents, as they shall think proper and necessary, by Virtue or in Pursuance of any Powers, Rights, or Privileges, granted to them by any former Act or Acts of Parliament, or by any Charter or Charters, for manageing, conducting, and transacting the Trade and Commerce of the said Company, at and within the said Presidency of *Fort William* in *Bengal*.

His Majesty may, by Charter or Letters Patent, establish a Supreme Court of Judicature at Fort William, &c.
See further 21 G. 3. c. 70.

XIII. And whereas his late Majesty King *George* the Second did, by his Letters Patent bearing date at *Westminster* the eighth Day of *January*, in the twenty-sixth Year of his Reign, grant unto the said United Company of Merchants of *England* trading to the *East-Indies* his Royal Charter, thereby, amongst other Things, constituting and establishing Courts of Civil, Criminal, and Ecclesiastical Jurisdiction, at the said United Company's respective Settlements at *Madras-patnam*, *Bombay*, on the Island of *Bombay*, and *Fort William* in *Bengal*; which said Charter does not sufficiently provide for the due Administration of Justice in such Manner as the State and Condition of the Company's Presidency of *Fort William* in *Bengal*, so long as the said Company shall continue in the Possession of the territorial Acquisitions before mentioned, do and must require; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful for his Majesty, by Charter or Letters Patent under the Great Seal of *Great-Britain*, to erect and establish a Supreme Court of Judicature at *Fort William* aforesaid, to consist of a Chief Justice and three other Judges, being Barristers in *England* or *Ireland*, of not less than five Years standing, to be named from Time to Time by his Majesty, his Heirs and Successors; which said Supreme Court of Judicature shall have, and the same Court is hereby declared to have, full Power and Authority to exercise and perform all civil criminal, admiralty and ecclesiastical Jurisdiction, and to appoint such Clerks, and other ministerial Officers of the said Court, with such reasonable Salaries, as shall be approved of by the said Governor-General and Council; and to form and establish such Rules of Practice, and such Rules for the Process of the said Court, and to do all such other Things as shall be found necessary for the Administration of Justice, and the due Execution of all or any of the Powers which by the said Charter shall or may be granted and committed to the said Court; and also shall be, at all Times, a Court of Record, and shall be a Court of Oyer and Terminer, and Gaol Delivery, in and for the said Town of *Calcutta*, and Factory of *Fort William* in *Bengal* aforesaid, and the Limits thereof, and the Factories subordinate thereto.

to consist of a Chief Justice and three other Judges;

who are invested with civil, criminal, admiralty and ecclesiastical Jurisdiction, and may establish Rules of Practice and Process.

To be a Court of Record, Oyer and Terminer and Gaol Delivery for Calcutta and Fort William.

Extent of the Jurisdiction and Power of his Majesty's Charter;

and of the Supreme Court of Judicature.
These Powers are restricted and defined by 37 G. 3. c. 70.

XIV. Provided nevertheless, and be it further enacted by the Authority aforesaid, That the said new Charter which his Majesty is herein-before impowered to grant, and the Jurisdiction, Powers, and Authorities, to be thereby established, shall and may extend to all *British* Subjects who shall reside in the Kingdoms or Provinces of *Bengal*, *Bahar*, and *Orissa*, or any of them; under the Protection of the said United Company, and the same Charter shall be competent and effectual: And the Supreme Court of Judicature, therein and thereby to be established, shall have full Power and Authority to hear and determine all Complaints against any of his Majesty's Subjects for any Crimes, Misdemeanors, or Oppressions, committed, or to be committed; and also to entertain, hear, and determine, any Suits or Actions whatsoever, against any of his Majesty's Subjects in *Bengal*, *Bahar*, and *Orissa*, and any Suit, Action, or Complaint, against any Person who shall, at the Time when such Debt, or Cause of Action or Complaint, shall have arisen, have been employed by, or shall then have been, directly or indirectly, in the Service of the said United Company, or of any of his Majesty's Subjects.

Supreme Court not competent to hear and determine Indictments or Informations

XV. Provided also, That the said Court shall not be competent to hear, try, or determine any Indictment or Information against the said Governor-General, or any of the said Council for

for the Time being, for any Offence (not being Treason or Felony) which such Governor General, or any of the said Council, shall or may be charged with having committed in *Bengal*, *Bahar*, and *Orissa*.

against the Governor-General, &c.

Limitation of Actions before the said Court.

XVI. Provided also, and be it enacted, That the said Supreme Court shall hear and determine any Suits or Actions whatsoever of any of his Majesty's Subjects, against any Inhabitant of *India* residing in any of the said Kingdoms or Provinces of *Bengal*, *Bahar*, or *Orissa*, or any of them, upon any Contract or Agreement in Writing entered into by any of the said Inhabitants with any of his Majesty's said Subjects, where the Cause of Action shall exceed the Sum of five hundred current Rupees; and where the said Inhabitant shall have agreed in the said Contract, that, in Case of Dispute, the Matter shall be heard and determined in the said Supreme Court; and all such Suits or Actions may be brought, in the first Instance, before the said Court, or by Appeal from the Sentence of any of the Courts established in the said Provinces, or any of them.

Suits may originate in the Supreme Court, or be brought by Appeal from the Provincial Courts.

The Governor General, Council, &c. not subject to be arrested or imprisoned.

XVII. And it is hereby further enacted and provided, That nothing in this Act shall extend to subject the Person of the Governor General, or of any of the said Council, or Chief Justice and Judges respectively for the Time being, to be arrested or imprisoned upon any Action, Suit, or Proceeding in the said Court.

Appeal may be made to his Majesty in Council.

XVIII. And be it further enacted by the Authority aforesaid, That it shall and may be directed, in and by the said new Charter which his Majesty is herein-before empowered to grant, that in case any Person or Persons whatsoever shall think himself, herself, or themselves, aggrieved by any Judgment or Determination of the said Supreme Court of Judicature, to be established as aforesaid, he, she, or they, shall and may appeal from such Judgment or Determination to his Majesty in Council, his Heirs or Successors, within such Time, in such Manner, and in such Cases, and on such Security, as his Majesty, in his said Charter, shall judge proper and reasonable to be appointed and prescribed.

Part of the Charter granted by Geo. 2. (should a new Charter be granted) to be repealed;

otherwise to be in full Force.

XIX. And be it further enacted by the Authority aforesaid, That so much of the said Charter, granted by his said late Majesty, as respects or relates to the Establishment of the Mayor's Court at *Calcutta* aforesaid, in *Bengal*, or to the civil, criminal, or ecclesiastical Jurisdiction thereof, in the said United Company's Settlement there, or the Subordinates thereunto belonging, in case a new Charter shall be granted by his Majesty in Pursuance of this Act, and shall be openly published at *Fort William* aforesaid, from and immediately after such Publication, shall cease, determine, and be absolutely void, to all Intents and Purposes: But nevertheless the said Charter, so granted by his said late Majesty, shall, in all other Respects, and as for and concerning all or any other of the said Company's principal Presidencies or Settlements to which the same relates, or to any Factories or Places now or hereafter to be subordinate to such principal Settlements, continue, be, and remain in full Force and Virtue, according to the true Intent and Meaning thereof, and that as fully and effectually, to all Intents and Purposes whatsoever, as if this Act had never been made, or such new Charter as aforesaid should never have been granted.

All Records and Muniments belonging to the Mayor's Court at Calcutta, &c. to be delivered to, and preserved in the new Court.

XX. And be it further enacted by the Authority aforesaid, That all the Records, Muniments, and Proceedings whatsoever, of and belonging to the said Mayor's Court at *Calcutta* aforesaid, or to the Courts of Oyer and Terminer and Gaol Delivery at *Fort William* aforesaid, established by the said Charter of his said late Majesty, shall, from and immediately after such Court of Judicature, which his Majesty is herein-before empowered to erect, shall be established at *Fort William* as aforesaid, be delivered over, preserved, and deposited for safe Custody in the said new Court of Judicature, to which all Parties concerned shall and may resort and have Recourse, upon Application to the said Court.

Salaries established to the Governor General, Council. Chief Justice, and Judges.

XXI. And be it further enacted by the Authority aforesaid, That during such Time as the territorial Acquisitions shall remain in the Possession of the said Company, the Court of Directors of the said United Company shall, and they are hereby required to direct, and cause to be paid, certain and established Salaries to the Governor General, and to each of the Council of the said United Company's Presidency of *Fort William* in *Bengal*, and to the Chief Justice and each of the Judges of such Supreme Court of Judicature at *Fort William*, as shall be by the said new Charter established; (that is to say), to the Governor General twenty-five thousand Pounds by the Year, and to each of the Council of the said United Company's Presidency of *Fort William* in *Bengal* ten thousand Pounds by the Year; and to the Chief Justice eight thousand Pounds by the Year; and to each of the Judges of the said Supreme Court of Judicature, at *Fort William*, six thousand Pounds by the Year: And that such Salaries shall be paid and payable to each and

every of them respectively for the Time being out of the said territorial Acquisitions in the Kingdoms of *Bengal*, *Bahar*, and *Orissa*.

When such Salaries shall commence.

XXII. And be it further enacted by the Authority aforesaid, That the Salaries of such Governor General and Council, and of such Chief Justice and Judges of such Supreme Court of Judicature as aforesaid, shall take place and commence in respect to all such Persons who shall be resident in *Great-Britain* at the Time of their Appointment, upon, and from the Day on which such Person shall embark from *Great-Britain*; and that the Salaries of all such Persons who shall, at the Time of their Appointment, be resident in *India*, shall commence and take place from and after their respectively taking upon them the Execution of their Office as aforesaid; and that all such Salaries to such Governor General and Council, and of such Chief Justice and Judges, shall be in Lieu of all Fees of Office, Perquisites, Emoluments, and Advantages whatsoever, and that no Fees of Office, Perquisites, Emoluments or Advantages whatsoever shall be accepted, received, or taken by such Governor General and Council, or by such Chief Justice and Judges, as aforesaid, or any of them, in any Manner, or on any Account or Pretence whatsoever, other than such Salaries and Allowances as are in and by this Act directed to be paid to them respectively.

The Governor General, Council, and Judges restricted from accepting any Present;

and from being concerned in any Transaction by Way of Traffic.

XXIII. And be it further enacted by the Authority aforesaid, That no Governor General, or any of the Council of the said United Company's Presidency of *Fort William* in *Bengal*, or any Chief Justice, or any of the Judges of the Supreme Court of Judicature at *Fort William* aforesaid, shall, directly or indirectly, by themselves, or by any other Person or Persons for his or their Use, or on his or their Behalf, accept, receive, or take, of or from any Person or Persons, in any Manner, or on any Account whatsoever, any Present, Gift, Donation, Gratuity, or Reward, pecuniary or otherwise, or any Promise or Engagement, for any Present, Gift, Donation, Gratuity, or Reward; and that no Governor General, or any of the said Council, or any Chief Justice or Judge of the said Court, shall carry on, be concerned in, or have any Dealing or Transactions, by way of Traffic or Commerce of any Kind whatsoever, either for his or their Use or Benefit, Profit or Advantage, or for the Benefit or Advantage of any other Person or Persons whatsoever, (the Trade or Commerce of the said United Company only excepted); any Usage or Custom to the contrary thereof in any wise notwithstanding.

No Person holding a civil or military Office under the Crown, &c. shall accept any Donation or Gratuity.

Repealed in Part by 24 G. 3. c. 25. sect. 47.

XXIV. And be it further enacted by the Authority aforesaid, That from and after the first Day of *August*, one thousand seven hundred and seventy-four, no Person holding or exercising any civil or military Office under the Crown, or the said United Company, in the *East-Indies*, shall accept, receive, or take, directly or indirectly, by himself, or any other Person or Persons on his Behalf, or for his Use or Benefit, of and from any of the *Indian* Princes or Powers, or their Ministers or Agents, (or any of the Natives of *Asia*), any Present, Gift, Donation, Gratuity, or Reward, pecuniary or otherwise, upon any Account, or on any Pretence whatsoever; or any Promise or Engagement for any Present, Gift, Donation, Gratuity, or Reward: And if any Person, holding or exercising any such civil or military Office, shall be guilty of any such Offence, and shall be thereof legally convicted in such Supreme Court at *Calcutta*, or in the Mayor's Court in any other of the said United Company's Settlements where such Offence shall have been committed; every such Person, so convicted, shall forfeit double the Value of such Present, Gift, Donation, Gratuity, or Reward, so taken and received; *one Moiety of which Forfeiture shall be to the said United Company*, and the other Moiety to him or them who shall inform or prosecute for the same; and also shall and may be sent to *England*, by the Order of the Governor and Council of the Presidency or Settlement where the Offender shall be convicted, unless such Person so convicted shall give sufficient Security to remove him or themselves within twelve Months after such Conviction.

Counsellors, Physicians, Surgeons, and Chaplains, excepted.

XXV. Provided always, and be it further enacted by the Authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to prohibit or prevent any Person or Persons who shall carry on, or exercise the Profession of a Counsellor at Law, a Physician, or a Surgeon, or being a Chaplain, from accepting, taking, or receiving any Fees, Gratuities, or Rewards, in the Way of their Profession.

The Company may prosecute and recover any Gift, upon waiving Forfeitures.

Repealed by 24 Geo. 3. c. 25. sect. 47.

XXVI. *And it is hereby further enacted by the Authority aforesaid, That every such Present, Gift, Gratuity, Donation, or Reward, accepted, taken, or received, and all such Dealing or Transaction, by Way of Traffic, or Commerce, of any Kind whatsoever, carried on, contrary to the true Intent and Meaning of this Act, shall be deemed and construed to have been received, taken, had, and done, to and for the sole Use of the said United Company; and that the said United Company, upon waiving all Penalties and Forfeitures, shall and may sue and prosecute for the Recovery of the same, or the full Value of such Present or Gift, or the Profits of such Trade respectively, together with Interest, at the Rate of five Pounds* per Centum per Annum, *from the Time of such Present, Gift, Gratuity, Donation,*

Donation, or Reward, being received, or of such Dealing or Transaction, by Way of Traffic or Commerce, as aforesaid, by Action, for Money had and received to the Use of the said Company.

No Collector, Supervisor, &c. to buy Goods by Way of Traffic.

XXVII. And be it further enacted by the Authority aforesaid, That from and after the first Day of *August*, one thousand seven hundred and seven-four, it shall not be lawful for any Collector, Supervisor, or any other of his Majesty's Subjects, employed or concerned in the Collection of the Revenues, or the Administration of Justice, in the Provinces of *Bengal*, *Bahar*, or *Orissa*, or their Agents or Servants, or any Person or Persons in Trust for them, to buy any Goods, Wares, Merchandize, or other Commodities whatsoever, by Way of Traffic, or Trade, at any Place within the Provinces of *Bengal*, *Bahar*, and *Orissa*, and to sell the same again, or any Part thereof, at the Place where he or they bought the same, or at any other Place within the said Provinces respectively; and it shall not be lawful for any of his Majesty's Subjects in the said Provinces to engage, intermeddle, or be any Way concerned, directly, or indirectly, in the Inland Trade, in Salt, Beetle-nut, Tobacco, or Rice, except on the Account of the said United Company, on Pain of forfeiting all such Goods, or Commodities, which he shall so buy and sell again by Way of Traffic, or in which he shall so trade; and also treble the Value thereof; one Moiety to the said United Company, and the other Moiety to him or them who will sue for the same, in the said Supreme Court; and every such Person, on Conviction, shall, moreover, be liable to be sent to *England*, by such Order as aforesaid, unless he or they shall give sufficient Security to remove him or themselves within twelve Months after such Conviction.

No British Subjects to Trade in Salt, Beetle-nut, or Tobacco.

Not to restrain his Majesty's Subjects not herein prohibited.

XXVIII. Provided always, That nothing therein contained shall extend, or be construed to extend, to prohibit or restrain any of his Majesty's Subjects, or any Person or Persons whatsoever, (except such Persons as are by this Act prohibited and restrained from being concerned in Trade), from carrying on or exercising any Trade or Traffic within *Fort William*, and the Town of *Calcutta*.

Nor to extend to Outstanding Debts, nor to selling Merchandizes possessed by Persons before such Prohibition take Place.

XXIX. Provided nevertheless, and be it enacted by the Authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to prohibit or prevent any such Person or Persons who is, are, or shall be hereby restrained from carrying on any Trade, or being concerned in the buying or selling any Goods, Wares, Merchandizes, or other Commodities whatsoever, by Way of Traffic or Trade, as aforesaid, or from being any Way concerned in the Inland Trade in Salt, Beetle-nut, Tobacco, or Rice, from collecting in their outstanding Debts, or from selling and disposing of the Goods, Wares, Merchandizes, Effects, and Stock in Trade, of which such Person or Persons shall severally be possessed, at the Time when such Prohibition shall respectively take Place, so as each such Person or Persons, who, by this Act, is, are, or shall be so restrained, shall, and each and every of them respectively do, deliver in to such Governor General and Council of the Provinces of *Bengal*, *Bahar*, and *Orissa* aforesaid, within thirty Days from the Time when such Restriction and Prohibition shall take Place, as aforesaid, a full, true, and just Specification, upon Oath, of the Goods, Wares, Merchandizes, Effects, and Stock in Trade, of which he or they shall be at that Time so respectively possessed; and so as such Person or Persons shall and do sell and dispose of such Goods, Wares, Merchandizes, Effects, and Stock in Trade, within the Space of nine Months after such Restriction and Prohibition, as aforesaid, shall commence and take Place; and so as no new Trade or Concern in Commerce or Merchandize be entered into, contracted for, or carried on, by such Person or Persons.

No Person shall take on Loan of Monies above the Rate of 12 per Cent. per Annum.

XXX. And be it further enacted by the Authority aforesaid, That no Subject of his Majesty, his Heirs and Successors, in the *East-Indies*, shall, upon any Contract which shall be made from and after the said first Day of *August*, one thousand seven hundred and seventy-four, take directly, or indirectly, for Loan of any Monies, Wares, Merchandize, or other Commodities whatsoever, above the Value of twelve Pounds for the Forbearance of one hundred Pounds for a Year; and so after that Rate for a greater or lesser Sum, or for a longer or shorter Time; and that all Bonds, Contracts, and Assurances whatsoever, made after the Time aforesaid, for Payment of any Principal or Money to be lent or covenanted to be performed upon, or for any Usury whereupon or whereby there shall be reserved or taken above the Rate of twelve Pounds in the Hundred, as aforesaid, shall be utterly void: And all and every such Person or Persons whatsoever who shall, after the Time aforesaid, upon any Contract to be made after the first Day of *August*, one thousand seven hundred and seventy-four, take, accept, and receive, by Way or Means of any corrupt Bargain, Loan, Exchange, Shift, or Interest of any Wares, Merchandizes, or other Thing or Things whatsoever, or by any deceitful Way or Mean, or by any Covin, Engine, or deceitful Conveyance, for the forbearing or giving Day of Payment for one whole Year, of and for their Money or other Thing, above the Sum of twelve Pounds for the forbearing of one hundred

Persons by Covin accepting Loans, &c. shall forfeit for every Offence, treble the Value;

Pounds for a Year, and so after that Rate for a greater or lesser Sum, or for a longer or shorter Term, shall forfeit and lose, for every such Offence, treble the Value of the Monies, Wares, Merchandizes, and other Things so lent, bargained, exchanged, or shifted, with Costs of Suit, one Moiety whereof shall be to the said United Company, and the other Moiety to him or them who will sue for the same in the said Supreme Court of Judicature at *Fort William* in *Calcutta*, or in the Mayor's Court in any other of the said United Company's Settlements where such Offence shall have been committed, by Action of Debt, Bill, Plaint, or Information, in which no Essoin, Wager of Law, or Protection, shall be allowed; and in Case no such Action, Bill, Plaint, or Information, shall have been brought and prosecuted with Effect within three Years, that then it shall and may be lawful to and for the Party aggrieved to sue and prosecute for Recovery of all Sums of Money paid over and above such Rate of Interest.

One Moiety to go to the Company, and the other to the Prosecutor.

XXXI. And be it further enacted, That no Informer or Plaintiff shall or may compound or agree with any Person or Persons that shall offend, or shall be surmised to offend, against this Act, for any Offence committed, or pretended to be committed, before Answer made in the said Supreme Court, unto the Information or Suit in that Behalf exhibited or prosecuted, nor after Answer, but by the Order or Consent of the said Court, on Pain that if any Person or Persons shall offend in making of any Composition or Agreement, contrary to the true Intent and Meaning of this Act, or shall, by Colour or Pretence of Process, or without Process, upon Colour or Pretence of any Matter of Offence against this Act, make any Composition, or take any Money, Reward, or promise of Reward, for himself, or to the Use of any other, without Order or Consent of the said Court; that then he or they so offending, being thereof lawfully convicted, shall, for every such Offence, be liable to be fined and imprisoned, at the Discretion of the said Court.

Persons making Compositions contrary to the Meaning of the Act,

liable to be imprisoned at the Discretion of the Court.

XXXII. And be it further enacted by the Authority aforesaid, That from and after the said first Day of *August*, one thousand seven hundred and seventy-four, it shall not be lawful for any Person or Persons whatsoever, who shall have been dismissed from, or shall have voluntarily resigned, the Service of the said United Company, or for any free Merchant, free Mariner, or other Person, whose Covenants or Agreements with the said United Company for residing or trading in *India* shall be expired, from thenceforth to carry on or be in any wise concerned in any Trade, Traffic, Merchandize, or Commerce whatsoever, in the *East-Indies*, other than for the Disposal of his or their Stock in Hand, without the Licence of the said United Company, or the Governor General and Council of the Presidency of *Fort William* in *Bengal*, or the President and Council at the Place or Settlement where such Person or Persons shall reside for that Purpose, first had and obtained.

Persons who may be dismissed the Service or resign, &c.

are not to be concerned in any Traffick, other than for the disposal of Stock in Hand.

XXXIII. And be it further enacted by the Authority aforesaid, That from and after the said first Day of *August*, one thousand seven hundred and seventy-four, if any of his Majesty's Subjects in *India*, employed by, or in the actual Service of the said United Company, shall be charged with and prosecuted for any Breach of public Trust, or for Embezzlement of public Money or Stores, or for defrauding the said United Company; every such Offender, being convicted thereof in the said Supreme Court of Judicature, or in any Court of Judicature in any other Presidency or Settlement in *India*, may be fined and imprisoned, and adjudged to be for ever after incapable of serving the said United Company, at the Discretion of the Court before which he shall be tried; and immediately after the Sentence of such Court shall have been executed and inflicted, shall and may be sent over to *England*, by such Order, and in such Manner, as is herein-before mentioned and directed, unless he shall remove himself within twelve Months, and in the mean Time give sufficient Security so to do.

Servants of the Company prosecuted for Breaches of Trust, on Conviction, to be fined and imprisoned at the Discretion of the Court,

XXXIV. And be it further enacted by the Authority aforesaid, That all Offences and Misdemeanours which shall be laid, tried, and enquired of in the said Supreme Court, shall be tried by a Jury of *British* Subjects resident in the Town of *Calcutta*, and not otherwise.

Offences to be tried by a Jury of British Subjects.

XXXV. And be it further enacted by the Authority aforesaid, That after any Judgment of the said Supreme Court of Judicature, or of any Court of Judicature at any of the said United Company's Settlements, against any of the said United Company's Servants, Civil or Military, for any Debt or Penalty, due or belonging to the said United Company, shall be made known to the Court of Directors for the Time being of the said United Company, it shall not be lawful to release or compound such Sentence or Judgment, or to release, discharge, or put a Stop to any Prosecution, Suit, or Action, commenced or to be commenced, for carrying on any illicit Trade, or for any Debt or Penalty due to the said United Company, or to restore any Servant or Servants whatever of the said Company, who shall have been removed or dismissed from his or their Office or Employment, for or upon Account of any Misbehaviour, without the Consent of three Parts

The Directors may not Compound or discharge Sentences of the Supreme or any other Court of Justice,

nor restore Persons dismissed, without Consent of three Parts

Parts in four of the said Court of Directors, to be taken by Ballot, and also the Consent of three Parts in four in Number of the Proprietors of the said United Company, who shall be present, and give their Votes by Ballot, to be taken at a General Court to be specially called for that Purpose, and of which fourteen Days public Notice, at the least, shall be given before the holding the same, and of the particular Occasion for which such General Court shall be called.

in four of Directors, and the like Majority of Proprietors in a General Court.

XXXVI. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Governor General and Council of the said United Company's Settlement at *Fort William* in *Bengal*, from Time to Time, to make and issue such Rules, Ordinances, and Regulations, for the good Order and civil Government of the said United Company's Settlement at *Fort William* aforesaid, and other Factories and Places subordinate, or to be subordinate thereto, as shall be deemed just and reasonable, (such Rules, Ordinances, and Regulations, not being repugnant to the Laws of the Realm), and to set, impose, inflict, and levy, reasonable Fines and Forfeitures for the Breach or Non-observance of such Rules, Ordinances, and Regulations; but nevertheless the same, or any of them, shall not be valid, or of any Force or Effect, until the same shall be duly registered and published in the said Supreme Court of Judicature, which shall be, by the said new Charter, established, with the Consent and Approbation of the said Court, which Registry shall not be made until the Expiration of twenty Days after the same shall be openly published, and a Copy thereof affixed in some conspicuous Part of the Court-house, or Place where the said Supreme Court shall be held; and from and immediately after such Registry as aforesaid, the same shall be good and valid in Law; but nevertheless, it shall be lawful for any Person or Persons in *India* to appeal therefrom to his Majesty, his Heirs or Successors, in Council, who are hereby empowered, if they think fit, to set aside and repeal any such Rules, Ordinances, and Regulations respectively, so as such Appeal, or Notice thereof, be lodged in the said new Court of Judicature, within the Space of sixty Days after the Time of the registering and publishing the same; and it shall be lawful for any Person or Persons in *England* to appeal therefrom in like Manner, within sixty Days after the publishing the same in *England*; and it is hereby directed and required, that a Copy of all such Rules, Ordinances, and Regulations, from Time to Time, as the same shall be so received, shall be affixed in some conspicuous and public Place in the *India-house*, there to remain and be resorted to as Occasion shall require; yet nevertheless, such Appeal shall not obstruct, impede, or hinder the immediate Execution of any Rule, Ordinance, or Regulation, so made and registered as aforesaid, until the same shall appear to have been set aside or repealed, upon the Hearing and Determination of such Appeal.

Governor General and Council may make such Regulations as may appear just;

which shall not be valid until duly registered in the Supreme Court.

Appeals may be made to the King in Council, who may repeal such Rules;

and a Copy of all Regulations is to be affixed in the India House.

XXXVII. Provided always, and be it enacted by the Authority aforesaid, That the said Governor General and Council shall, and they are hereby required, from Time to Time, to transmit Copies of all such Rules, Ordinances, and Regulations, as they shall make and issue, to one of his Majesty's principal Secretaries of State for the Time being; and that it shall and may be lawful to and for his Majesty, his Heirs and Successors, from Time to Time, as they shall think necessary, to signify to the said United Company, under his or their Sign Manual, his or their Disapprobation and Disallowance of all such Rules, Ordinances, and Regulations; and that from and immediately after the Time that such Disapprobation shall be duly registered and published in the said Supreme Court of Judicature at *Fort William* in *Bengal*, all such Rules, Ordinances, and Regulations, shall be null and void; but in case his Majesty, his Heirs and Successors, shall not, within the Space of two Years from the making of such Rules, Ordinances, and Regulations, signify his or their Disapprobation or Disallowance thereof, as aforesaid, that then, and in that Case, all such Rules, Ordinances, and Regulations, shall be valid and effectual, and have full Force.

Governor General and Council to transmit Copies of their Rules to one of the Secretaries of State;

which, if his Majesty does not signify his Disallowance of, shall have full Force.

XXXVIII. And be it further enacted by the Authority aforesaid, That the Governor General and Council for the Time being of the said United Company's Settlement at *Fort William* aforesaid, and the Chief Justice and other Judges of the said Supreme Court of Judicature, shall and may, and they are hereby respectively declared to be, and to have full Power and Authority to act as Justices of the Peace for the said Settlement, and for the several Settlements and Factories subordinate thereto; and to do and transact all Matters and Things which to the Office of a Justice or Justices of the Peace do belong and appertain; and for that Purpose the said Governor General and Council are hereby authorised and empowered to hold Quarter Sessions within the said Settlement of *Fort William* aforesaid, four Times in every Year, and the same shall be at all Times a Court of Record.

Governor General and Council to act as Justices of Peace.

XXXIX. And be it further enacted by the Authority aforesaid, That if any Governor General, President, or Governor, or Council, of any of the said Company's principal or other Settlements in *India*, or the Chief Justice, or any of the Judges of the said supreme Court of Judicature,

If the Governor General, President, &c. commit Offences, the same may be tried and

determined in the Court of King's Bench.

to be by the said new Charter established, or of any other Court in any of the said United Company's Settlements, or any other Person or Persons who now are, or heretofore have been employed by or in the Service of the said United Company, in any Civil or Military Station, Office, or Capacity, or who have or claim, or heretofore have had or claimed, any Power or Authority, or Jurisdiction, by or from the said United Company, or any of his Majesty's Subjects residing in *India*, shall commit any Offence against this Act, or shall have been, or shall be, guilty of any Crime, Misdemeanour, or Offence, committed against any of his Majesty's Subjects, or any of the Inhabitants of *India*, within their respective Jurisdictions, all such Crimes, Offences, and Misdemeanours, may be respectively enquired of, heard, tried, and determined in his Majesty's Court of King's Bench, and all such Persons so offending, and not having been before tried for the same Offence in *India*, shall, on Conviction, in any such Case as is not otherwise specially provided for by this Act, be liable to such Fine or corporal Punishment as the said Court shall think fit; and moreover shall be liable, at the Discretion of the said Court, to be adjudged to be incapable of serving the said United Company in any Office, Civil or Military; and all and every such Crimes, Offences, and Misdemeanours, as aforesaid, may be alleged to be committed, and may be laid, enquired of, and tried in the County of *Middlesex*.

Manner of procedure in Cases of Indictments and Informations laid in the King's Bench.

XL. And whereas the Provisions made by former Laws for the hearing and determining in *England* Offences committed in *India* have been found ineffectual, by Reason of the Difficulty of proving in this Kingdom Matters done there; be it further enacted by the Authority aforesaid, That in all Cases of Indictments or Informations, laid or exhibited in the said Court of King's Bench, for Misdemeanours or Offences committed in *India*, it shall and may be lawful for his Majesty's said Court, upon Motion to be made on Behalf of the Prosecutor, or of the Defendant or Defendants, to award a Writ or Writs of *Mandamus*, requiring the Chief Justice and Judges of the said Supreme Court of Judicature for the Time being, or the Judges of the Mayor's Court at *Madras*, *Bombay*, or *Bencoolen*, as the Case may require, who are hereby respectively authorised and required accordingly to hold a Court with all convenient speed, for the Examination of Witnesses, and receiving other Proofs concerning the Matters charged in such Indictments or Informations respectively; and in the mean Time, to cause such public Notice to be given of the holding the said Court, and to issue such Summons or other Process, as may be requisite for the Attendance of Witnesses, and of the Agents or Council, of all or any of the Parties respectively, and to adjourn from Time to Time, as Occasion may require; and such Examination as aforesaid shall be then and there openly and publicly taken *viva Voce* in the said Court, upon the respective Oaths of Witnesses, and the Oaths of skilful Interpreters, administered according to the Forms of their several Religions; and shall, by some sworn Officer of such Court, be reduced into one or more Writing or Writings on Parchment, in case any Duplicate or Duplicates should be required by or on Behalf of any of the Parties interested, and shall be sent to his Majesty, in his Court of King's Bench, closed up, and under the Seals of two or more of the Judges of the said Court, and one or more of the said Judges shall deliver the same to the Agent or Agents of the Party or Parties requiring the same; which said Agent or Agents (or, in case of his or their Death, the Person into whose Hands the same shall come) shall deliver the same to one of the Clerks in Court of his Majesty's Court of King's Bench, in the public Office, and make Oath that he received the same from the Hands of one or more of the Judges of such Court in *India*, (or if such Agent be dead, in what Manner the same came into his Hands); and that the same has not been opened, or altered, since he so received it, (which said Oath such Clerk in Court is hereby authorized and required to administer): And such Depositions, being duly taken and returned, according to the true Intent and Meaning of this Act, shall be allowed and read, and shall be deemed as good and competent Evidence as if such Witness had been present and sworn and examined *viva Voce* at any trial for such Crimes or Misdemeanours, as aforesaid, in his Majesty's said Court of King's Bench, any Law or Usage to the contrary notwithstanding; and all Parties concerned shall be entitled to take Copies of such Depositions at their own Costs and Charges.

Offences against this Act committed by the Chief Justices or Judges to be determined by the Court of King's Bench.

XLI. And be it further enacted by the Authority aforesaid, That in case the said Chief Justice, or Judges, of the said supreme Court of Judicature, or any of them, for the Time being, shall commit any Offence against this Act, or be guilty of any corrupt Practice, or other Crime, Offence, or Misdemeanour, in the Execution of their respective Offices, it shall and may be lawful for his Majesty's said Court of King's Bench in *England*, upon an Information or Indictment laid or exhibited in the said Court for such Crime, Offence, or Misdemeanour, upon Motion to be made in the said Court, to award such Writ or Writs of *Mandamus*, as aforesaid, requiring the Governor General and Council of the said United Company's Settlement at *Fort William* aforesaid, who are hereby respectively authorised and required accordingly to assemble themselves in a reasonable Time, and to cause all such Proceedings to be had and made as are herein-before respectively

spectively directed and prescribed concerning the Examination of Witnesses; and such Examination, so taken, shall be returned and proceeded upon in the same Manner, in all Respects, as if the several Directions herein-before prescribed and enacted in that Behalf were again repeated.

The Chancellor, or Speaker of the House of Commons, may issue Warrants for the Examination of Witnesses in India, which shall be deemed competent Evidence to both Houses of Parliament.

XLII. And be it further enacted by the Authority aforesaid, That in all cases of Proceedings in Parliament, touching any Offences against this Act, or any other Offences committed in *India*, it shall and may be lawful for the Lord High Chancellor, or Speaker of the House of Lords, and also the Speaker of the House of Commons for the Time being, in like Manner, to issue his or their Warrant or Warrants to the Governor General and Council of the said United Company's Presidency at *Fort William*, and to the Chief Justice and Judges of the said Supreme Court of Judicature, or the Judges of the Mayor's Court at *Madras*, *Bombay*, or *Bencoolen*, as the Case may require, for the Examination of Witnesses; and such Examination shall be returned to the said Lord High Chancellor, or Speaker of the House of Lords, or to the Speaker of the House of Commons respectively, and proceeded upon in the same Manner, in all Respects, as if the several Directions herein-before prescribed and enacted in that Behalf were again particularly repeated; and every such Examination, returned either to the Lord Chancellor, or Speaker of the House of Lords, or to the Speaker of the House of Commons, as aforesaid, shall be deemed good and competent Evidence, and shall be allowed and read in both Houses of Parliament, or either of them respectively, as Occasion may require; any Law or Usage to the contrary notwithstanding.

No Proceedings in Parliament, touching Offences in India, to be discontinued by any Prorogation.

XLIII. And whereas, by the Usage and Custom of Parliament, no Proceedings by Bill in Parliament have Continuance from one Session to another: And whereas it would be impracticable that the Examination taken upon such Warrant, as aforesaid, could ever be returned within the ordinary length of a Session of Parliament; be it enacted by the Authority aforesaid, That, from and after the first Day of *November*, one thousand seven hundred and seventy-three, no Proceedings in Parliament touching any Offence committed, or to be committed in *India*, wherein such Warrant as aforesaid shall have been issued, shall be discontinued by any Prorogation or Dissolution of the Parliament, but that such Proceedings may be resumed and proceeded upon in a subsequent Session, or in a subsequent Parliament, in either House of Parliament, in like Manner, to all Intents and Purposes, as they might have been in the Course of one and the same Session; any Law, Usage, or Custom to the contrary notwithstanding.

Writs of Mandamus may be awarded by the Courts at Westminster, when the Company commence Suits in Law or Equity there.

XLIV. And whereas his Majesty's Subjects are liable to be defeated of their several Rights, Titles, Debts, Dues, Demands, or Suits, for which they have Cause arising in *India* against other Subjects of his Majesty; now, for preventing such Failure of Justice, be it further enacted by the Authority aforesaid, That when and as often as the said United Company, or any Person or Persons whatsoever, shall commence and prosecute any Action or Suit, in Law or Equity, for which Cause hath arisen, or shall hereafter arise, in *India*, against any other Person or Persons whatever, in any of his Majesty's Courts at *Westminster*, it shall and may be lawful for such Court respectively, upon Motion there to be made, to provide and award such Writ or Writs, in the Nature of a *Mandamus*, or Commission, as aforesaid, to the Chief Justice and Judges of the said supreme Court of Judicature for the Time being, or the Judges of the Mayor's Court at *Madras*, *Bombay*, or *Bencoolen*, as the Case may require, for the Examination of Witnesses, as aforesaid; and such Examination, being duly returned, shall be allowed and read, and shall be deemed good and competent Evidence, at any Trial or Hearing between the Parties in such Cause or Action, in the same Manner, in all Respects, as if the several Directions herein-before prescribed and enacted in that Behalf were again repeated.

No Depositions returned to be allowed as Evidence in Cases not proceeded against in Parliament.

XLV. Provided nevertheless, and be it enacted, That no such Depositions, taken and returned as aforesaid by Virtue of this Act, shall be allowed or permitted to be given in Evidence in any capital Cases, other than such as shall be proceeded against in Parliament; any Thing in this Act contained to the contrary notwithstanding.

The Privileges of the Company, not hereby varied, shall remain in force.

XLVI. And be it further enacted by the Authority aforesaid, That all and every the Rights, Interests, Powers, Privileges, and Authorities, which are now vested in the said United Company of Merchants trading to the *East-Indies*, and which are not hereby expressly taken away, altered, or varied, shall remain to, and continue in the said Company, in as full and ample a Manner, to all Intents and Purposes whatsoever, as if this Act had never been made.

Public Act.

XLVII. And be it further enacted by the Authority aforesaid, That this Act shall be deemed and taken to be a public Act; of which Notice shall be judicially taken by all Judges, Justices, and other Persons whatsoever, without specially pleading the same.

13 GEORGII III. Cap. LXIV.

An Act for granting to his Majesty a Sum of Money to be raised by Exchequer Bills; and to be advanced and applied in the Manner, and upon the Terms therein mentioned, for the Relief of the United Company of Merchants of England *trading to the* East-Indies.

Preamble.

WHEREAS the United Company of Merchants of *England* trading to the *East-Indies*, do at present labour, and have, for some Time past, laboured under great and unusual Difficulties in the carrying on of their Affairs, from which it greatly imports the Public, as well as the said United Company, that they should, as speedily as possible, be relieved: And whereas the said Company, finding themselves under the Necessity of applying to Parliament for Relief, did, by their Petition to the House of Commons, make Application for the Loan of one million five hundred thousand Pounds, or so much as should be wanted, to be advanced and repaid in such Manner, and to be attended with such other Conditions and Provisions, as in their said Petition is set forth; in Consequence whereof the House of Commons came to several Resolutions, specifying the Terms upon which it might be expedient for the Public to advance to the said United Company the Sum of one million four hundred thousand Pounds, and the several Limitations which ought to accompany such Loan: And whereas the said United Company did, by a subsequent Petition, declare their Determination to depend on the Laws of their Country, and submit to the temporary Difficulties which may attend the present Situation of their Affairs, rather than receive the Loan offered to them upon the Conditions prescribed: And whereas, in case the said Company should not be forthwith assisted by the Public with the Advance of a considerable Sum of Money, they would remain altogether unable to provide for the Payment of their Debts, some of which Debts being due to the Public, and others to the Governor and Company of the Bank of *England*, the Payment thereof would not long be postponed without great Prejudice to the public Service, and Disadvantage to public Credit, and yet could not be expedited or secured otherwise than by the Use of such Methods as must be attended with Consequences the most fatal to the said United Company; and, forasmuch as, upon Consideration of the several Matters before-mentioned, it appears absolutely necessary that immediate Provision should be made by Parliament for giving Assistance to the said Company, in such Manner, and upon such Terms, as may be best calculated for effecting the Preservation of the said United Company, and the Re-establishment of their Affairs, without leaving it in the Power of the General Court of Proprietors, by with-holding their Consent to the Acceptance of such Assistance, to expose, at once, each separate Proprietor of *East-India* Stock, the Company itself, the Creditors of the Company, and the Public, to all the Mischiefs which must attend the want of such Assistance, as aforesaid: And whereas it hath been resolved that a Sum, not exceeding one million four hundred thousand Pounds, be granted to his Majesty, to be applied for the Purpose of relieving the *East-India* Company, and for securing to the Creditors of the said Company a more speedy Satisfaction of their Demands: Now, to the End that no Want or Failure may happen or be made by Reason or Means of such Grant, and the Application of the same, in the Aids granted, or to be granted, in this Session of Parliament, for defraying the several public Services, and for answering which the said Aids were, or may be intended to be applied; and, for the better supplying the said Sum of one million four hundred thousand Pounds, and applying the same in the most effectual Manner for the Purposes above mentioned; we your Majesty's most dutiful and loyal Subjects, the Commons of *Great-Britain* in Parliament assembled, do most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for the Commissioners of his Majesty's Treasury, now and for the Time being, or any three or more of them, or for the High Treasurer for the Time being, and he and they respectively are hereby authorised and empowered, at any Time or Times before the first Day of *October*, one thousand seven hundred and seventy-three, by his or their Warrant or Warrants, to direct, or cause to be prepared and made, at the Receipt of his Majesty's Exchequer, any Number of Exchequer Bills for such Sum or Sums of Money as he or they shall think most proper and convenient, so as all the principal Monies to be contained in the Bills so to be made forth by Virtue of this Act do not exceed in the Whole the said Sum of one million four hundred thousand Pounds, (exclusive of any Exchequer Bills that are or may be made forth by Virtue of any other Act or Acts passed in this Session of Parliament for the public Service);

Commissioners of the Treasury, before Oct. 1, 1773, are to cause Exchequer Bills, for 1,400,000l. to be applied for Relief of the East-India Company.

Service); and the said Exchequer Bills, so to be made forth in Pursuance of this Act, shall bear an Interest not exceeding the Rate of four Pounds *per Centum per Annum*, and proportionably for any greater or less Sum to be contained therein, to be payable to the Bearers thereof respectively; which said Exchequer Bills shall be made out in the like Manner, Form, and Order, and according to the same or like Rules and Directions, as in and by an Act of this present Session of Parliament, intituled, *An Act for continuing and granting to his Majesty certain Duties upon Malt, Mum, Cyder, and Perry, for the Service of the Year one thousand seven hundred and seventy-three*, are enacted and prescribed concerning the Exchequer Bills authorized to be made forth in Pursuance of the said Act.

according to the Rules in the Malt Tax Act 13 Geo. 3.

II. And be it further enacted by the Authority aforesaid, That all and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities, contained in the said last mentioned Act, relating to the Exchequer Bills authorized to be made out by the same Act, (except such Clauses as do charge the same on the Duties granted and contained by the same Act, and except such Clauses as limit the Rate or Interest to be paid for the Forbearance of the Money lent on the Credit of the said Act, and also except as is herein-after mentioned), shall be applied and extended to the Exchequer Bills to be made forth in Pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if the same Exchequer Bills had been originally authorized by the said last-mentioned Act, or as if the said several Clauses or Provisoes had been particularly repeated and re-enacted in the Body of this Act.

Clauses in the Malt-Tax Act to extend to this Act.

III. Provided always, and be it further enacted by the Authority aforesaid, That no Exchequer Bill or Bills, to be made out by Virtue of this Act, shall, after the same hath or have been issued at the Receipt of the Exchequer, be afterwards, at any Time before the sixth Day of *April*, one thousand seven hundred and seventy-nine, received or taken, or pass or be current, to any Receiver or Collector in *Great-Britain*, of the Customs, Excise, or any Revenue, Supply, Aid, or Tax whatsoever, due or payable to his Majesty, his Heirs or Successors, or at the Receipt of the Exchequer, from any such Receiver or Collector, or from any other Person or Persons, Bodies politic or corporate, otherwise or on any other Account than for the discharge and cancelling of such Bills, in Case the same shall be in due Course or Order of Payment before the said sixth Day of *April*, one thousand seven hundred and seventy-nine; nor shall any Receiver or Collector exchange, at any Time, before the said sixth Day of *April*, one thousand seven hundred and seventy-nine, for any Money of such Revenues, Aids, Taxes, or Supplies, in his Hands, any Exchequer Bill or Bills which shall have been issued as aforesaid, by Virtue of this Act; nor shall any Action be maintained against any such Receiver or Collector for neglecting or refusing to exchange any such Bill or Bills for ready Money before the said sixth Day of *April*, one thousand seven hundred and seventy-nine, any Thing in the said Act made in this Session of Parliament, intituled, *An Act for continuing and granting to his Majesty certain Duties upon Malt, Mum, Cyder, and Perry, for the Service of the Year one thousand seven hundred and seventy-three*, or this Act, contained to the contrary notwithstanding.

The Exchequer Bills shall not be current till April 6, 1779;

nor be exchanged,

IV. And be it further enacted by the Authority aforesaid, That all such Exchequer Bills, together with the Interest, Premium, Rate, and Charges, incident to, or attending the same, shall be, and are hereby charged and chargeable upon, and shall be repaid and borne by and out of the Monies to be paid into the Receipt of his Majesty's Exchequer by the United Company of Merchants of *England* trading to the *East-Indies*, in the Manner, and at the Times, herein-after directed and appointed: And in Case such Monies so to be paid into the said Receipt of the Exchequer shall not be sufficient to satisfy and discharge all the principal Monies contained in such Exchequer Bills, together with all the Interest, Premium, Rate, and Charges, incident to and attending the same, and that shall incur and grow due thereupon before the said sixth Day of *April*, one thousand seven hundred and seventy-nine; then, and in such Case, the said Exchequer Bills, or such Part thereof as shall remain unsatisfied and uncancelled, together with all the Interest due, or to grow due thereupon, and all other Charges and Expenses incurred, or to be incurred, in Respect of the same Exchequer Bills, shall be charged and chargeable upon, and payable out of, all or any the Aids or Supplies that shall or may be granted by Parliament, for the Service of the Year one thousand seven hundred and seventy-nine: And in Case sufficient Aids or Supplies for that Purpose shall not be granted before the fifth Day of *July*, one thousand seven hundred and seventy-nine, then all the said Exchequer Bills, with the Interest, Premium, Rate, and Charges, incident to or attending the same, shall be, and are hereby charged and chargeable upon such Monies as at any Time or Times at or after the said fifth Day of *July*, one thousand seven hundred and seventy-nine, shall be or remain in the Receipt of the Exchequer, of the Surplusses, Excesses, Overplus Monies, and other Revenues, composing the Fund com-

The Exchequer Bills, with the Interest, &c. to be chargeable on the Monies to be paid into the Exchequer by the East-India Company.

monly called *The Sinking Fund*, (except such Monies of the said Sinking Fund as are appropriated to any particular Use or Uses by any Act or Acts of Parliament in that Behalf); and such Monies of the said Sinking Fund shall and may be issued and applied, as soon as the same can be regularly stated and ascertained, for and towards paying off, cancelling, and discharging, such Exchequer Bills so remaining uncancelled and unpaid, together with the Interest, Premium, Rate, and Charges, until the Whole of them shall be paid off, cancelled, and discharged, or Money sufficient for that Purpose be kept and reserved in the Exchequer, to be payable on Demand to the respective Proprietors thereof.

Monies issued out of the Sinking Fund to be replaced by the first Aids granted.

V. Provided always, and be it enacted by the Authority aforesaid, That whatever Monies shall be so issued out of the said Surplusses, Excesses, Overplus Monies, and other Revenues, composing the said Sinking Fund, shall, from Time to Time, be replaced by and out of the first Aids or Supplies to be then after granted in Parliament.

Governor of the Bank of England may advance the Sum of 1,400,000l. at the Receipt of Exchequer.

VI. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Governor and Company of the Bank of *England* to advance or lend to his Majesty, at the Receipt of the Exchequer, upon the Credit of the Exchequer Bills directed to be made forth by Virtue of this Act, any Sum or Sums of Money, not exceeding in the Whole the Sum of one million four hundred thousand Pounds; any Thing in an Act made in the fifth and sixth Years of the Reign of King *William* and Queen *Mary*, intituled, *An Act for granting to their Majesties several Rates and Duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors, for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of one million five hundred thousand Pounds, towards carrying on the War against* France, to the contrary thereof in any wise notwithstanding.

Manner in which the Treasury may issue the said Sum for defraying the Debts of the Company.

VII. And forasmuch as it is most immediately necessary, as well for the Relief of the said Company as for the Benefit of the public Service, that certain Debts due from the said Company to the Public, and certain other Debts due from the said Company to the Governor and Company of the Bank of *England*, should be without delay discharged; it is hereby enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Commissioners of the Treasury now and for the Time being, or any three or more of them, or the High Treasurer for the Time being, and he and they is and are hereby authorized, directed, and required, to issue and apply, or cause to be issued, paid, and applied, at the Receipt of the Exchequer, the said Sum of one million four hundred thousand Pounds, (directed by this Act to be raised by making forth Exchequer Bills), so far as the same will extend towards satisfying, paying, and discharging, such Debts of the said Company, in Manner following; (that is to say), That out of the said Sum of one million four hundred thousand Pounds, there shall, in the first Place, be issued and paid to the Receiver-General of his Majesty's Customs all such Sum or Sums of Money as are now due and payable to his Majesty for any Custom Duties, Subsidies, or Impositions whatsoever, and shall be remaining unpaid by the said United Company; and, in the next Place, there shall be issued and paid, out of the said Sum of one million four hundred thousand Pounds, the Sum of one hundred and seventeen thousand three hundred and fourteen Pounds, one Shilling and three-Pence, and seven-twentieth Parts of a Penny, to such Person or Persons as the said Commissioners of the Treasury now or for the Time being, or any three or more of them, or the High Treasurer for the Time being, shall, by his or their Warrant or Warrants, authorize and direct to receive the same; which Sum of one hundred and seventeen thousand three hundred and fourteen Pounds, one Shilling, and three-Pence, and seven-twentieth Parts of a Penny, by an Act of the last Session of Parliament, was directed to be paid by the said United Company into the Receipt of the Exchequer, on or before the fifth Day of *July*, one thousand seven hundred and seventy-two, to complete the Whole of the Monies due to the Public for making good to the Public the Deficiency of the Duties on Tea for four Years, ended the fifth Day of *July*, one thousand seven hundred and seventy-one; and also there shall be issued and paid unto the same Person or Persons the further Sum of eighty-four thousand eight hundred and forty-two Pounds, eight Shillings, and seven-Pence, and two-fifth Parts of a Penny, to satisfy and make good to the Public the Deficiency of the Duties on Tea on the fifth Day of *July*, one thousand seven hundred and seventy-two, according to an Account made up and delivered to the Chairman of the said United Company, pursuant to the Directions of the said last mentioned Act; which said Sums of one hundred and seventeen thousand three hundred and fourteen Pounds, one Shilling and three-Pence, and seven-twentieth Parts of a Penny, and eighty-four thousand eight hundred and forty-two Pounds, eight Shillings and seven-Pence, and two fifth Parts of a Penny, making together two hundred and two thousand one hundred and fifty-six Pounds, nine Shillings and ten-Pence three Farthings, are intended to be and shall immediately be

be paid back into the said Receipt of the Exchequer, and shall be applied to the same Uses and Purposes to which the Duties on Tea paid in there are applicable; which Warrant or Warrants the said Commissioners of the Treasury, now or for the Time being, or any three or more of them, or the High Treasurer for the Time being, is and are hereby authorized and required to make out accordingly.

Manner in which the Remainder of the Sum granted shall be applied.

VIII. And whereas there is due and payable from the said United Company to the Public, the further Sum of two hundred thousand Pounds, and one hundred and sixty-nine thousand three hundred and ninety-eight Pounds, eighteen Shillings and two Pence, making together the Sum of three hundred and sixty-nine thousand three hundred and ninety-eight Pounds, eighteen Shillings and two Pence, pursuant to an Act made in the ninth Year of the Reign of his present Majesty, *for carrying into Execution certain Proposals made by the* East-India *Company*, and the said Company being also greatly indebted to the Governor and Company of the Bank of *England* for Monies borrowed for the Service of the said United Company; be it therefore enacted by the Authority aforesaid, That so much of the said Sum of one million four hundred thousand Pounds, as shall remain after the full Satisfaction and Payment of the Monies due and payable to his Majesty, for the Duties of Customs, Subsidies, and Impositions aforesaid, and of the several Sums of one hundred and seventeen thousand three hundred and fourteen Pounds, one Shilling and three Pence, and seven-twentieth Parts of a Penny, and eighty-four thousand eight hundred and forty-two Pounds, eight Shillings and seven Pence, and two-fifth Parts of a Penny, also due from the said Company, to make good the Deficiency of the Duties on Tea, as aforesaid, shall be applied in Manner following; that is to say, There shall be issued and paid to the Governor and Company of the Bank of *England* the Sum of six hundred thousand Pounds, in Part of the Monies due and owing from the said United Company to the said Governor and Company of the Bank of *England*, and all the Rest, Residue, and Remainder, of the said Sum of one million four hundred thousand Pounds, after satisfying and paying all and every the Sums herein-before directed to be paid thereout, shall remain in the Receipt of the Exchequer, for supplying the before-mentioned Sums of two hundred thousand Pounds, and one hundred and sixty-nine thousand three hundred and ninety-eight Pounds, eighteen Shillings and two Pence, making together the Sum of three hundred and sixty-nine thousand three hundred and ninety-eight Pounds, eighteen Shillings and two Pence, due and payable from the said United Company to the Public, pursuant to the said Act of the ninth Year of the Reign of his present Majesty, and shall be issued, paid, and applied, for and towards such of the public Services as the said Sums of two hundred thousand Pounds, and one hundred and sixty-nine thousand three hundred and ninety-eight Pounds, eighteen Shillings and two Pence, are or may be applicable to, in the same Manner as if such Monies had been actually paid into the said Receipt of the Exchequer by the said United Company, at the Times, and in the Manner, prescribed and directed by the said Act of the ninth Year of the Reign of his present Majesty; which several Sums so payable at the Exchequer pursuant to this Act, shall be paid, clear of all Fees, Charges, or Gratuities whatsoever.

How Difficulties are to be prevented in discharging the Company of their said Debts.

IX. And be further enacted by the Authority aforesaid, That the said United Company of Merchants of *England* trading to the *East-Indies*, and their Successors, shall, upon the Payment of the several Sums herein-before directed to be made to the Receiver-General of his Majesty's Customs, and into the Receipt of his Majesty's Exchequer, be fully exonerated, acquitted, and discharged against his Majesty, his Heirs and Successors, for and in Respect of all and every the Sums herein directed to be paid, and that shall be paid pursuant thereto; and from all Writs, Actions, Suits, and Proceedings, for or on Account of such Debts, or so much of the same as shall be satisfied by such Payments; and also of the Sum or Sums hereby intended to be paid at the Receipt of the Exchequer to the Bank of *England*, in Respect of the Whole or such Part of the said United Company's Debts as shall be so discharged; and that no Dispute or Difficulty may arise, for or on Account of the Monies that shall or may be paid to the Bank of *England*, at the Receipt of the Exchequer, in Pursuance of this Act, a Certificate shall be made forth, ascertaining the Amount of the Sum or Sums so paid, and the Day of Payment of the same, which shall be signed by the Auditor of the said Receipt of the Exchequer, the Clerk of the Pells, and the Teller or Tellers who paid the same; and in the Absence of those Officers, or either of them, by the Deputy or Deputies of such absent Officer or Officers attending at the said Receipt at the Time of Payment of such Monies; and such Certificate shall be made forth and signed without Fee or Charge, and shall be good and sufficient Evidence in Law against the said Governor and Company of the Bank of *England*, for and in Respect of such Sum or Sums so paid in Satisfaction or Diminution of the Debt or Debts due to the Bank of *England* from the said United Company.

X. And

Act 7 Geo. 3. c. 56.

X. And whereas by an Act, passed in the seventh Year of his present Majesty's Reign, intituled, *An Act for taking off the Inland Duty of one Shilling* per *Pound weight on all Black and Single Teas consumed in* Great-Britain; *and for granting a Drawback upon the Exportation of Teas to* Ireland *and the* British *Dominions in* America, *for a limited Time, upon such Indemnification to be made in Respect thereof by the* East-India *Company as is therein-mentioned; for permitting the Exportation of Teas in smaller Quantities, than one Lot to* Ireland, *or the said Dominions of* America; *and for preventing Teas seized and condemned from being consumed in* Great-Britain; it is enacted, That in Case the said United Company, or their Successors, should make Failure in any of the Payments directed by the said Act to be made into the Receipt of his Majesty's Exchequer, in the Manner, or on or before the respective Times therein limited for that Purpose; that then, as often as the Case should happen, the Money, whereof such Failure in Payment should be made, should be recovered to his Majesty's Use, in the Manner therein mentioned; and that there should be further recovered to his Majesty's Use, against the said United Company, Damages after the Rate of twelve Pounds *per Centum per Annum* for the respective Monies so unpaid, contrary to the said Act, with full Costs of Suit; and the said United Company, and their Successors, and all their Stock, Funds, and all other their Estate and Property whatsoever and wheresoever, are thereby made subject and liable to the Payment of such Monies, Damages, and Costs.

Act 9 Geo. 3. c. 24.

XI. And whereas by another Act of Parliament, passed in the ninth Year of the Reign of his present Majesty, intituled, *An Act for carrying into Execution certain Proposals made by the* East-India *Company for the Payment of the annual Sum of four hundred thousand Pounds, for a limited Time, in Respect of the territorial Acquisitions and Revenues lately obtained in the* East-Indies, it is enacted, That the United Company of Merchants of *England* trading to the *East-Indies*, and their Successors, should advance and pay into the Receipt of his Majesty's Exchequer, for his Majesty's Use, the Sum of four hundred thousand Pounds *per Annum*, for and during the Term of five Years, to be computed from the first Day of *February*, one thousand seven hundred and sixty-nine, by half-yearly Payments of two hundred thousand Pounds each, which Payments are directed to be paid at the Times therein mentioned; and in Case the said United Company should make Failure in any of the said Payments thereby directed to be made into the Receipt of his Majesty's Exchequer, on or before the respective Times therein limited, that then, and as often as the Case should happen, the Money, whereof such Failure in Payment should be made, should and might be recovered to his Majesty's Use, in the Manner therein-menioned; and that there should be further recovered to his Majesty's Use, against the said United Company, Damages after the Rate of fifteen Pounds *per Centum per Annum*, for the Monies so unpaid, contrary to the said Act, together with full Costs of Suit; and the said United Company, and their Successors, and all their Stock, Funds, and all other their Estates and Property whatsoever, are thereby made liable to the Payment of all such Monies, Damages, and Costs.

XII. And whereas the several Deficiencies of the Duties upon Tea, and also of the said annual Sum of four hundred thousand Pounds, whereof any Failure of Payment hath been made by the said United Company, will be paid and made good to the Public, under the Provisions of this present Act; and it is expedient, in the present Situation of the said United Company's Affairs, that they should be indemnified against all Damages which may have been incurred, or which may be recoverable against them, under either of the said last-recited Acts, by Means of their Failure in making such Payments at the Times therein respectively prescribed and directed; be it therefore enacted by the Authority aforesaid, That from and after the Payment into the Receipt of his Majesty's Exchequer of the several Sums of Money herein-before directed to be paid, in Discharge of the several principal Sums due from the said United Company, under the said recited Acts, or either of them, the said United Company, and their Successors, shall be, and they are hereby declared to be, from thenceforth, fully and absolutely freed, exonerated, and discharged, of and from all Damages and Costs which they the said United Company may have incurred, or which may be recoverable against them, by Means or on Account of any Failure in Payment of any of the said principal Sums respectively, by the said recited Acts, or either of them, directed to be paid, astherein-mentioned.

After Payment of the Sums mentioned, the Company shall be indemnified against Damages in the said Acts.

XIII. And whereas, in the present Circumstances of the *East-India* Company, it will not be in their Power to provide for the Repayment of such Loan as aforesaid, and for establishing their Affairs upon a more secure Foundation for the Time to come, unless the Public should agree to forego, for the Present, all Participation in the Profits arising from the territorial Acquisitions and Revenues lately obtained in the *East-Indies*, in order that Provision be made by Parliament for applying as well the Whole of the Profits arising from the said territorial Acquisitions and Revenues, as all the Revenue and Profits of the Company, after providing for certain necessary

Application of the Revenues of the Company, till their Debt be reduced.

Payments

Payments and Deductions to be made thereout, to the Repayment of the said Sum of one million four hundred thousand Pounds, and to the Reduction of the Company's Bond Debt; be it therefore enacted by the Authority aforesaid, That until the said Sum of one million four hundred thousand Pounds shall have been repaid, and the Bond Debt of the said Company be reduced to the Sum of one million five hundred thousand Pounds, the Whole clear Profit arising from the said territorial Acquisitions and Revenues, after defraying the Charges and Expenses attending the same, together with all the clear Revenue and Profits of the said Company, after providing for the current Payments of Interest, and other Outgoings, Charges, and Expenses of the said Company, shall, from Time to Time, be disposed of and applied in Manner following; that is to say, until the Whole of the Money so advanced and applied as aforesaid shall have been repaid, it shall and may be lawful, out of the said clear Revenues and Profits, to set apart and apply in the first Place, such Sum as may be sufficient for answering a Dividend to the Proprietors of the Stock of the said Company, not exceeding the Rate of six Pounds *per Centum per Annum*, upon the capital Stock of the said Company, and all the Surplus of the said clear Revenues and Profits shall be applied in Diminution of the said Sum of one million four hundred thousand Pounds, or such Part thereof as shall be remaining unpaid, and for defraying the Charges incurred in Respect thereof; and after the Repayment of the Whole of the Money so advanced and applied as aforesaid, and until the Bond Debt of the said Company shall be reduced to the Sum of one million five hundred thousand Pounds, it shall and may be lawful, in the like Manner, to set apart and apply, in the first Place, out of the said clear Revenues and Profits, such Sum as may be sufficient for answering a Dividend not exceeding the Rate of seven Pounds *per Centum per Annum*, upon the capital Stock of the said Company; after which, all the Surplus of the said clear Revenues and Profits shall be applied in reducing the Bond Debt of the said Company.

19 Geo. 3. c. 61. s. 1. recites the Repayment of this Loan, and the Reduction of the Bond Debt to 1,500,000l.

Dividend of 6l. per Cent. per Annum on the capital Stock.

Surplus in Diminution of the Loan of 1,400,000l.

Then a Dividend of 7l. per Cent. till Bond Debt reduced to 1,500,000l.

Further Provisions respecting the territorial Revenues, 19 Geo. 3. c. 61. s. 1. 21 Geo. 3. c. 65. s. 9. 23 Geo. 3. c. 83. s. 8. 24 Geo. 3. c. 34. s. 4.

XIV. And be it further enacted by the Authority aforesaid, That until the said Sum of one million four hundred thousand Pounds, so advanced as aforesaid, shall have been repaid, the said United Company shall, from Time to Time, pay, or cause to be paid, into the Receipt of his Majesty's Exchequer, by half-yearly Payments, such Surplus of the clear Revenue and Profits of the Company as is herein-before directed to be applied in Diminution of the said Sum of one million four hundred thousand Pounds, or such Part thereof as shall be remaining unpaid, and for defraying the Charges incurred in Respect thereof, to be applied, in the first Place, for answering and paying all such Interest, Premium, Rate, and Charges, as shall have grown due in Respect of the Exchequer Bills made out, issued, and circulated as aforesaid; and in the next Place, as far as the same will extend, for paying off, cancelling, and discharging, such of the said Exchequer Bills as shall then remain uncancelled.

Surplus of their clear Revenue to be applied in Diminution of their Debt.

XV. And be it further enacted by the Authority aforesaid, That, during the Continuance of this Act, the said United Company do, and they are hereby directed and required, to cause to be made up, half-yearly, with as much Accuracy as the Nature of the Case will admit, a Statement or Account of the Profit and Loss upon the whole of the Trade and Revenues of the said Company, together with a State of the Debts of the said Company in *England*, exclusive of their Bond Debt, to the first Day of *March* and the first Day of *September*, in every Year; the first of such Statements or Accounts to be made up from the first Day of *September*, one thousand seven hundred and seventy-three, to the first Day of *March*, one thousand seven hundred and seventy-four; and to trasmit such Statement or Accounts, fairly written, and signed by two or more of the Directors of the United Company, within twenty-one Days after the Day to which such Statement or Account shall be made up respectively, to the Commissioners of his Majesty's Treasury, or the High Treasurer for the Time being.

Statement of the Company's Debts to be made up every half-year.

XVI. And be it further enacted by the Authority aforesaid, That from and after the passing of this Act, and until the said Sum of one million four hundred thousand Pounds shall be repaid, it shall not be lawful for the said United Company, or their Successors, or any of their Officers or Servants on their Account, to accept, or otherwise bind the said Company, or their Successors, for the Payment of any Bill or Bills of Exchange drawn by any of their Officers or Servants at any of their Presidencies in the *East-Indies*, for any Sum exceeding the Sum of three hundred thousand Pounds, exclusive of Certificates to the Amount of five thousand Pounds to the Commanders and Officers of each of the Company's Ships, in the Space of any one Year, without the Consent or Order first had and obtained of the Commissioners of his Majesty's Treasury now and for the Time being, or any three or more of them, or of the High Treasurer for the Time being, who are hereby respectively authorized to give such Consent, or to make such Order thereon, as they shall judge expedient; and every Acceptance or Engagement made contrary to the true Intent and Meaning of this Act, shall be null and void to all Intents and Purposes.

Company shall not bind themselves with Bills of Exchange, beyond a certain Amount, without the Consent of the Treasury.

See 19 Geo. 3. c. 61. s. 4. 20 Geo. 3. c. 56. s. 4. 21 Geo. 3. c. 65. s. 26. 24 Geo. 3. c. 34. s. 1 & 2.

Amount of British Merchandize which shall be exported yearly by the Company.

Enlarged by 15 Geo. 3. c. 44. but the Provision is not now in Force.

XVII. And be it further enacted by the Authority aforesaid, That, during the Term of two Years, to be computed from the twenty-ninth Day of *September*, one thousand seven hundred and seventy-three, the said United Company, or their Successors, shall, and are hereby required, to export from *Great-Britain*, in each and every Year, during such Term, to the *British* Settlements, within the Limits prescribed by the said Company's Charter for their carrying on an exclusive Trade in the *East-Indies*, or elsewhere, upon the Account of the said Company, or their Successors, in their Course of Trade, exclusive of what may be exported by their Servants or Private Traders, licensed by the said Company, or their Successors, such Goods and Merchandizes, of the Growth, Produce, or Manufacture, of *Great-Britain*, as shall amount in Value to the Sum of three hundred and eighty thousand eight hundred and thirty-seven Pounds, in each and every such Year; but the Amount of the Value of the Military and Naval Stores so exported shall not be esteemed or reckoned as Part of the said Sum of three hundred and eighty thousand eight hundred and thirty-seven Pounds *per Annum*; and the said Company, or their Successors, shall, on or before the first Day of *June*, one thousand seven hundred and seventy-four, and on or before the first Day of *June*, one thousand seven hundred and seventy-five, give Security by Bond, to his Majesty, his Heirs and Successors, under the Common Seal of the said Company, or of their Successors, in the penal Sum of double the said Sum of three hundred and eighty thousand eight hundred and thirty-seven Pounds, for the due Exportation of the said Goods and Merchandizes annually, to the Amount of the said Sum of three hundred and eighty thousand eight hundred and thirty-seven Pounds, according to the real Value of such Goods and Merchandizes in this Kingdom at the Time of such Exportation, or of the Purchase thereof, by or on the Behalf of the said Company, or their Successors; which Security the High Treasurer, or the Commissioners of his Majesty's Treasury for the Time being, or any three or more of such Commissioners, is or are hereby authorized to take; and the said Company, or their Successors, shall, on or before the thirty-first Day of *October*, one thousand seven hundred and seventy-four, and on or before the thirty-first Day of *October*, one thousand seven hundred and seventy-five, deliver to the said High Treasurer, or Commissioners, an Account, in Writing, signed by two or more of the Directors of the said Company for the Time being, specifying the particular Goods and Merchandizes which shall have been so exported in every such Year in Pursuance of and according to the true Intent and Meaning of this Act, with the said true and real Values of such Goods and Merchandizes, with the Names of the Ships in which the same were respectively so exported; and which Account shall be verified, on Oath, made before any one Justice of the Peace, (which Oath such Justice is hereby authorized and required to administer), by the proper Officers or Servants of the said Company, or their Successors, who shall keep their Books for the Entry of Goods outwards, to the best of their Knowledge; and if it shall appear, to the Satisfaction of the said High Treasurer, or Commissioners, that Goods and Merchandizes shall have been, agreeably to the Directions of this Act, exported as aforesaid in the respective Year, in Relation whereto each Bond shall have been so given, then, in each and every such Case, the said High Treasurer, or Commissioners, shall cause such Bond to be delivered up, but in Case no such Account shall be delivered as hereinbefore mentioned, or if it shall appear that the said Goods and Merchandizes exported within the Term mentioned, in any such Bond shall not have amounted to such Value as aforesaid, or that any such Account shall appear not to be truly made, it shall and may be lawful for the said High Treasurer, or Commissioners, to cause each and every such Bond to be prosecuted according to Law, unless he or they shall find sufficient Cause to forbear the same.

Security to be given to the Treasury for the due Exportation thereof.

Excess to be allowed in the succeeding Year.

XVIII. Provided always, and be it enacted by the Authority aforesaid, That in Case the said Company, or their Successors, shall in any one of the said two Years export, or cause to be exported, such Goods and Merchandizes, of the Growth, Produce, or Manufacture of *Great-Britain*, exceeding in Value the Sum of three hundred and eighty thousand eight hundred and thirty-seven Pounds; then, and in such Case, the said Excess shall, from Time to Time, be taken into the Account of the Exports of such Goods and Merchandizes by the said Company, or their Successors, in and for the next succeeding Year, and shall be allowed and considered as Part thereof.

[N. B. *Sections 17 and 18 are expired.*]

14 GEORGII III. Cap. XIX.

An Act to discontinue, in such Manner, and for such Time as are therein mentioned, the Landing and Discharging, Lading or Shipping, of Goods, Wares, and Merchandize, at the Town, and within the Harbour, of Boston, *in the Province of* Massachuset's Bay, *in* North America.

[So much thereof as relates to the *East-India Company.*]

Preamble.

WHEREAS dangerous Commotions and Insurrections have been fomented and raised in the Town of *Boston*, in the Province of *Massachuset's Bay*, in *New England*, by divers ill-affected Persons, to the Subversion of his Majesty's Government, and to the utter Destruction of the public Peace, and good Order of the said Town; in which Commotions and Insurrections certain valuable Cargoes of Teas, being the Property of the *East-India* Company, and on Board certain Vessels lying within the Bay or Harbour of *Boston*, were seized and destroyed: And whereas, in the present Condition of the said Town and Harbour, the Commerce of his Majesty's Subjects cannot be safely carried on there, nor the Customs payable to his Majesty duly collected; and it is therefore expedient that the Officers of his Majesty's Customs should be forthwith removed from the said Town: May it please your Majesty that it may be enacted; and be it enacted, &c.

Not to extend to enable his Majesty to appoint Ports, Creeks, &c. till Satisfaction be made to the East-India Company.

X. Provided also, and it is hereby declared and enacted, That nothing herein contained shall extend, or be construed, to enable his Majesty to appoint such Port, Harbour, Creeks, Quays, Wharfs, Places, or Officers, in the said Town of *Boston*, or in the said Bay or Islands, until it shall sufficiently appear to his Majesty that full Satisfaction hath been made by or on Behalf of the Inhabitants of the said Town of *Boston* to the United Company of Merchants of *England* trading to the *East-Indies*, for the Damage sustained by the said Company by the Destruction of their Goods sent to the said Town of *Boston*, on Board certain Ships or Vessels as aforesaid; and until it shall be certified to his Majesty, in Council, by the Governor or Lieutenant Governor, of the said Province, that reasonable Satisfaction hath been made to the Officers of his Majesty's Revenue, and others, who suffered by the Riots and Insurrections above-mentioned, in the Months of *November* and *December*, in the Year one thousand seven hundred and seventy-three, and in the Month of *January*, in the Year one thousand seven hundred and seventy-four.

16 GEORGII III. Cap. XXXVII.

An Act for allowing the Exportation of certain Quantities of Wheat, and other Articles, to his Majesty's Sugar Colonies in America, *and to the Island of* Saint Helena, *and to the other Settlements belonging to the United Company of Merchants of* England *trading to the* East-Indies, *and of Biscuit and Pease to* Newfoundland, Nova Scotia, Bay Chaleur, *and* Labrador; *and for indemnifying all Persons with Respect to advising or carrying into Execution his Majesty's Orders of Council already made for allowing the Exportation of Wheat, and other Articles.*

[So much thereof as relates to the *East-India Company.*]

13 Geo. 3. c. 43. East-India Company impowered to export annually 1000 Quarters of Wheat, Flour, &c. from Great-Britain to Saint Helena, Bencoolen, &c.

II. AND whereas by an Act, passed in the thirteenth Year of his present Majesty's Reign, (intituled, *An Act to regulate the Importation and Exportation of Corn*), it was (among other Things) enacted, That nothing therein contained should extend to prohibit the Exportation from the Port of *London*, to the Island of *Saint Helena*, of any Quantity of Wheat, Meal, Flour, Rye, Barley, or Malt, not exceeding five hundred Quarters in the Whole, for the Sustenance and Use of the Inhabitants thereof, under the Restrictions and upon the Conditions therein mentioned: And whereas the said Quantity of five hundred Quarters of Wheat, Meal, Flour, Rye, Barley, or Malt, is not sufficient for the necessary Use and Consumption of the said Island of *Saint Helena*, and for the United *East-India* Company's Settlements

ments in the *East-Indies*; be it therefore enacted by the Authority aforesaid, That, from and after the passing of this Act, it shall be lawful for the said United Company to export annually from *Great-Britain* to the said Island of *Saint Helena*, *Bencoolen*, and to their Settlements in the *East-Indies*, or any of them, any Quantity of Wheat, Wheat-meal, Flour, Rye, Barley, or Malt, not exceeding one thousand Quarters in the Whole, under the Restrictions and upon the Terms and Conditions in the said recited Act provided and contained, as respecting the Quantity of Wheat, and other Articles, thereby allowed to be exported to the said Island of *Saint Helena*; any Thing in the said recited Act contained to the contrary thereof notwithstanding.

The said Articles to be subject to the like Securities, &c. on Exportation, as directed by Act 14 Geo. 3. c. 5 & 11.

III. Provided always, and it is hereby further enacted by the Authority aforesaid, That the said Articles exported as aforesaid, in Pursuance of this Act, shall be subject to the like Securities at the respective Ports from whence they are exported, that the same shall not be landed or sold in any Parts whatsoever other than the respective Places for which the same shall be entered and declared for Exportation, and in all other Respects not altered by this Act shall be liable to such and the like Rules, Restrictions, and Regulations; and the Persons granting or making any false Certificate, or counterfeiting, erasing, or falsifying any Certificate, or knowingly publishing such Certificate so counterfeited, erased, or falsified, shall be subject to the same Disabilities, Penalties, and Forfeitures, as are respectively prescribed and directed by the said recited Acts, made in the fourteenth Year of his Majesty's Reign; which Penalties and Forfeitures shall and may be sued for, prosecuted, and recovered, and applied, in the Manner directed by those Acts.

16 GEORGII III. Cap. LI.

An Act for granting further Time for allowing the Drawback upon the Exportation of Muslins and Callicoes, imported by the East-India *Company in the Years one thousand seven hundred and seventy-three, and one thousand seven hundred and seventy-four; for allowing further Time to the said Company to expose to Sale such Bohea and Singlo Teas and Coffee as remained unsold on the fifth Day of* April, *one thousand seven hundred and seventy-six; and also such Bohea Teas as shall be imported on or before a certain Time; and for allowing the Drawbacks on the Exportation of such Teas and Coffee; and for granting further Time for allowing the Drawback on the Exportation of Coffee imported in the Ship* Shrewsbury, *in the Year one thousand seven hundred and seventy-three.*

[This Act, except the following Clause, is expired.]

In Case the Company neglect to supply the home Market with Tea, at reasonable Prices, Commissioners of the Treasury may grant Licences to any Persons to import the same.

See further, 24 *Geo.* 3. *c.* 38.

IV. PROVIDED always, and be it further enacted by the Authority aforesaid, That if the said United Company of Merchants of *England* trading to the *East-Indies*, shall at any Time neglect to keep the Market supplied with a sufficient Quantity of Tea at reasonable Prices, to answer the Consumption thereof in *Great-Britain*, it shall and may be lawful to and for the Commissioners of the Treasury, or any three or more of them, or for the Lord High Treasurer for the Time being, to grant Licences to any other Person or Persons, Body or Bodies politic or corporate, to import into *Great-Britain*, from any Parts of *Europe*, in such and the like Manner, and subject to such Duties, and under such Restrictions and Limitations, and upon such Notices, and with such Licences, as are by any Act or Acts now in Force prescribed and directed with Respect to Tea to be imported from any Parts of *Europe* by the said United Company of Merchants of *England* trading to the *East-Indies*; any Thing contained in this Act to the contrary thereof in anywise notwithstanding.

17 GEORGII III Cap. VIII.

An Act to amend so much of an Act, made in the Thirteenth Year of the Reign of his present Majesty, (intituled, An Act for establishing certain Regulations for the better Mannagement of the Affairs of the *East-India* Company, as well in *India* as in *Europe*), *as relates to the Day on which the annual Election of Directors of the said Company is to be made.*

Preamble. Act 13 Geo. 3. c. 63. recited.

WHEREAS by an Act made in the thirteenth Year of the Reign of his present Majesty, (intituled, *An Act for establishing certain Regulations for the better Management of the Affairs of the* East-India *Company, as well in* India *as in* Europe); it is, among other Things, enacted, That at the then next ensuing general Election of Directors of the said United Company, instead of an Election of twenty-four Directors to serve for the Space of one Year only, there should be chosen, in such Manner and Order as the Directors of the said United Company for the Time being should appoint, six Directors expressly for the Term of one Year, and six other Directors for the Term of two Years, and six other Directors for the Term of three Years, and the remaining six Directors for the Term of four Years, and not otherwise; and from thenceforth yearly and every Year, and at the Expiration of each and every of the said Terms respectively, six new Directors, and no more, should be chosen, from Time to Time, in the Place of such Directors whose Term should have expired, and who were thereby declared incapable of being then rechosen; and at every subsequent Election, during the Continuance of the Charter of the said United Company, six new Directors should be chosen, and should continue to be Directors for the Term of four Years, and no longer, to be accounted from the Day on which the Election of such Directors was respectively made; and in Case the Office and Authority of any such Director should become void, by Death, Removal, or otherwise, another should be chosen, from Time to Time, in his Place, to serve as a Director during the Remainder of such Term for which the Person whose Office should have become void was chosen, and no longer: And whereas the first general Election of Directors of the said United Company, after the passing the said recited Act, was made on the thirteenth Day of *April*, which was in the Year of our Lord one thousand seven hundred and seventy-four, at which Time six Directors were chosen for the Term of one Year, six other Directors for the Term of two Years, six other Directors for the Term of three Years, and six other Directors for the Term of four Years, according to the Directions of the said recited Act; and afterwards on the thirteenth Day of *April*, which was in the Year of our Lord one thousand seven hundred and seventy-five, six other Directors were chosen for the Term of four Years, in the Room of those Directors who were elected for one Year, as aforesaid; and on the thirteenth Day of *April*, one thousand seven hundred and seventy-six, six other Directors were chosen for the Term of four Years, in the Room of those Directors who were elected for two Years, as aforesaid: And whereas there is not any Provision in the said Act, for the making an Election of Directors of the said United Company at any other Time than on the exact Day when the Term of the former Elections expire: And whereas the Day of Election of Directors in the Year one thousand seven hundred and seventy-seven, according to the said recited Act, will happen on *Sunday*, the thirteenth Day of *April*, one thousand seven hundred and seventy-seven; but it is highly improper that such Election should be made on a *Sunday*, and it is expedient that the like Impropriety should be prevented in Future; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, instead of the said general Election of six Directors of the said United Company, in the said year one thousand seven hundred and seventy-seven, for the Term of four years, being made on *Sunday*, the said thirteenth Day of *April*, one thousand seven hundred and seventy-seven, the same Election shall be made on *Wednesday*, the sixteenth Day of the same Month of *April*; and in Respect to all future annual Elections of Directors of the said United Company, instead of the same being made on the exact Day of the Expiration of the Term for which the former Directors were elected, in Pursuance of the said recited Act, such future annual general Elections of Directors of the said United Company shall be made on the second *Wednesday* in the Month of *April* in every Year.

General Election of Directors for 1777, to be on Wednesday, April 16;

and all future annual Elections on the second Wednesday in April.

II. *And be it further enacted by the Authority aforesaid, That the Term of three Years, for which six Directors of the said Company were elected, in the said Year one thousand seven hundred and seventy-four, and which will expire on the thirteenth Day of* April, *one thousand seven hundred and seventy-*

Clause relating to the Determination of the Terms for which the Directors are elected.

seven,

seven shall be enlarged; and such Directors so elected for the Term of three Years, shall continue Directors of the said United Company until the said sixteenth Day of April, *one thousand seven hundred and seventy-seven, and during the Whole of that Day; and in Respect to the said Directors elected in the said Years, one thousand seven hundred and seventy four, one thousand seven hundred and seventy-five, and one thousand seven hundred and seventy-six, for the respective Terms of four Years; and as to all future Directors of the said United Company to be elected for the Term of four Years, in Case the said respective Terms of four Years shall happen to expire before the second* Wednesday *in the Month of* April, *in that Year in which the said respective Terms of four Years shall expire, yet such Directors shall continue to be Directors of the said Company until the second* Wednesday *in the Month of* April *in which the said respective Terms of four Years shall end, and during the Whole of that Day; and in case the said respective Terms of four Years shall not have fully run out on the said second* Wednesday *of the said Month of* April, *in any subsequent Year, in which the said Terms shall respectively expire; in such Case the same Terms respectively shall end and expire at the End of the Day on the said second* Wednesday *in the said Month of* April *in such Year in which the said respective Terms of four Years shall end and expire, in the same Manner as if the whole Term of four Years was fully run out; any Thing in the said recited Act of Parliament contained to the contrary in any wise notwithstanding.*

Directors to give Notice in the London Gazette of the Day of Election by this Act appointed.

III. *And whereas Notice hath been duly given, that the Election of Directors in the Year one thousand seven hundred and seventy-seven, will be on the thirteenth Day of* April, *one thousand seven hundred and seventy-seven; be it further enacted by the Authority aforesaid, That the Directors of the said United Company shall, within seven Days after the passing of this Act, cause Notice to be given in the* London Gazette, *that instead of the General Election of six Directors of the said United Company, in the Year one thousand seven hundred and seventy-seven, for the Term of four Years, being made on* Sunday, *the thirteenth Day of* April, *one thousand seven hundred and seventy-seven, the same Election will be made on* Wednesday, *the sixteenth Day of the same Month of* April; *which Notice (together with the said former Notice) shall be deemed and taken to be good and sufficient Notice of the said Election; any other Law or Statute in any wise notwithstanding.*

17 GEORGII III. Cap. XXVII.

An Act for allowing a Drawback of the Duties of Customs on the Exportation of Tea to Ireland.

Preamble.

Act 12 Geo. 3. c. 60. recited.

WHEREAS the Drawback allowed by an Act of Parliament, made in the twelfth Year of the Reign of his present Majesty, (intituled *An Act for granting a Drawback of Part of the Customs upon the Exportation of Tea to* Ireland, *and the* British *Dominions in* America; *for altering the Drawback upon foreign Sugars exported from* Great-Britain *to* Ireland; *for continuing the Bounty on the Exportation of* British-*made Cordage; for allowing the Importation of Rice from the* British *Plantations into the Ports of* Bristol, Liverpool, Lancaster, *and* Whitehaven; *for immediate Exportation to foreign Parts; and to impower the chief Magistrate of any Corporation to administer the Oath, and grant the Certificate required by Law, upon the Removal of certain Goods to* London, *which have been sent into the Country for Sale;* upon the Importation of Tea into *Ireland* from this Kingdom, will cease on the fifth Day of *July*, one thousand seven hundred and seventy-seven: And whereas it may tend to promote and encourage the Importation of Tea into *Ireland* from this Kingdom, if the Whole of the Duties of Customs, payable upon the Importation of Teas, were to be allowed to be drawn back upon all Teas sold at the public Sales of the United Company of Merchants of *England* trading to the *East-Indies*, which shall be exported to *Ireland* after the said fifth Day of *July*, one thousand seven hundred and seventy-seven; may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That there shall be drawn back and allowed for all Teas sold at the public Sales of the United Company of Merchants of *England* trading to the *East-Indies*, or which shall be imported, by Licence, in Pursuance of an Act, made in the eighteenth Year of the Reign of his late Majesty King *George* the Second, (intituled, *An Act for repealing the present Inland Duty of four Shillings* per *Pound Weight upon all Tea sold in* Great-Britain; *and for granting to his Majesty certain other Inland Duties in Lieu thereof; and for better securing the Duty upon Tea, and other Duties of Excise; and for pursuing Offenders out of one County into another)*, which shall at any Time, from and after the fifth Day of *July*, one thousand seven hundred and seventy-seven, be exported from this Kingdom as Merchandize to *Ireland*, the Whole of the Duties of Customs payable upon the Importation of such Teas; which Drawback or Allowance shall be made to the Exporter, in such Manner, and under such Rules, Regulations, and Securities, and subject to the like Penalties and Forfeitures, as are mentioned in and by the said recited Act of the twelfth Year of the Reign of his present Majesty; and in and by an Act, made in the fourteenth Year of the Reign of his present Majesty, (intituled, *An Act for granting further Time to the United Company of Merchants of* England *trading to the* East-Indies, *to expose to Sale the Singlo and Bohea Teas remaining in their Warehouses unsold, on the fifth Day of* April, *one thousand seven hundred and seventy-four; and for allowing the Drawbacks on the Exportation of such Teas;*) and in and by an Act made in the sixteenth Year of the Reign of his present Majesty, (intituled, *An Act for granting further Time for allowing the Drawback upon the Exportation of Muslins and Calicoes, imported by the* East-India *Company in the Years one thousand seven hundred and seventy-three, and one thousand seven hundred and seventy-four; for allowing further Time to the said Company to expose to Sale such Bohea and Singlo Teas and Coffee as remain unsold on the fifth Day of* April, *one thousand seven hundred and seventy-six; and also such Bohea Teas as shall be imported on or before a certain Time; and for allowing the Drawbacks on the Exportation of such Teas and Coffee; and for granting further Time for allowing the Drawback on the Exportation of Coffee imported in the Ship* Shrewsbury, *in the Year one thousand seven hundred and seventy-three;*) or by any other Act of Parliament now in Force, so far as the same respectively concern the Exportation of Tea to *Ireland*, in as full and ample Manner, to all Intents and Purposes, as if the several Clauses relating thereto were again repeated and re-enacted in this present Act.

14 Geo. 3. c. 34.

16 Geo. 3. c. 51.

See further 18 Geo. 2. c. 26. 21 Geo. 2. c. 14. *and* 24 Geo. 3. c. 38.

A Drawback to be allowed of the whole Duties of Customs on Tea, on the Exportation thereof to Ireland.

18 Geo. 2. c. 26.

17 GEORGII III. Cap. XXIX.

An Act for the more effectual Prevention of the manufacturing of Ash, Elder, Sloe, and other Leaves, in Imitation of Tea, and to prevent Frauds in the Revenue of Excise in respect to Tea.

Preamble.

Act 4 G. 2. c. 14. recited.

WHEREAS by an Act of Parliament made in the fourth Year of the Reign of his late Majesty King *George* the Second (intituled, *An Act to prevent Frauds in the Revenue of Excise with respect to Starch, Coffee, Tea, and Chocolate)*, it is enacted, That, from and after the twenty-ninth Day of *September*, one thousand seven hundred and thirty-one, if any Person or Persons who should be a Dealer in or Seller of Tea, should dye, fabricate, or manufacture any Sloe Leaves, Liquorish Leaves, or the Leaves of Tea that had been used, or the Leaves of any other Tree, Shrub, or Plant, in Imitation of Tea, or should mix, colour, stain, or dye, such Leaves or Tea, with Terra Japonica, Sugar, Molasses, Clay, Logwood, or with any other Ingredients or Materials whatsoever; or should sell, and vend, utter, or offer, or expose to Sale, or should have in his, her, or their Custody, any such dyed, fabricated, or manufactured Leaves, in Imitation of Tea, or any such coloured, stained, or dyed Leaves, or Tea mixed with any of the Materials before-mentioned, or with any other Ingredients whatsoever, such Person or Persons should respectively, for every Pound of such Leaves so dyed, fabricated, or manufactured in Imitation of Tea, and for every Pound of such mixed, coloured, stained, or dyed Leaves of Tea, forfeit and pay the Sum of ten Pounds: And whereas great Quantities of Sloe Leaves, and Leaves of Ash, Elder, and other Trees, Shrubs, and Plants, are dyed, fabricated, and manufactured in Imitation of Tea, by divers Persons, who sell the same so dyed, fabricated, and manufactured, to other Persons being Dealers in Tea, Smugglers, and others, by whom the said manufactured Leaves are mixed with Tea, and sold and vended as true and real Tea, but by Reason that the Persons so dying, fabricating, and manufacturing the said Leaves, are not Dealers in, or Sellers of Tea, they are not punishable for the said Offences by the Laws now in being, whereby such evil Practices are increased to a very great Degree, to the Injury and Destruction of great Quantities of Timber Woods, and Under Woods, the prejudice of the Health of his Majesty's Subjects, the Diminution of the Revenue, the Ruin of the fair Trader, and to the Encouragement of Idleness; for Remedy whereof, and for the more effectual Prevention of such Frauds and Abuses for the Future, be it enacted; and it is hereby enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the first Day of *June*

Any Person who, after June 1, 1777, shall dye or manufacture, in Imitation of Tea, any Leaves of Tea that have been used, or any Sloe, Liquorish, or Elder Leaves, &c. or shall sell, or offer to sell the same, &c.

June, one thousand seven hundred and seventy-seven, if any Person or Persons whatsoever, whether he, she, or they, be a Dealer or Dealers in, or a Seller or Sellers of Tea, or not, shall dye, fabricate, or manufacture, any Sloe Leaves, Liquorish Leaves, or the Leaves of Tea that have been used, or the Leaves of any Ash, Elder, or other Tree, Shrub, or Plant in Imitation of Tea, or shall mix, colour, stain, or dye, any such Leaves with Terra Japonica, Copperas, Sugar, Molasses, Clay, Logwood, or with any other Ingredients or Materials whatsoever, or shall sell or vend, utter, or offer or expose to Sale, or shall have in his, her, or their Custody or Possession, any such dyed, fabricated, or manufactured Leaves in Imitation of Tea, or any such coloured, stained, or dyed Leaves, or any Leaves that should be dying, fabricating, or manufacturing in Imitation of Tea, and shall thereof be convicted upon the Oath of one or more credible Witness or Witnesses, before any one or more of his Majesty's Justices of the Peace for the County, City, Riding, Division, District, or Place, wherein such Offence shall have been committed: such Person or Persons shall respectively, for every Pound of such Leaves so dyed, fabricated, or manufactured in Imitation of Tea, or dying, fabricating, or manufacturing in Imitation of Tea, and for every Pound of such mixed, stained, or dyed Leaves of Tea, forfeit and pay the Sum of five Pounds; and upon Non-payment thereof, such Justice or Justices shall commit the Offender or Offenders to the common Gaol of the County or Place where the Offence shall be committed, there to remain without Bail or Mainprize for any Time not exceeding twelve Months, nor less than six Months, or until the Penalty and Charges shall be paid.

shall, on Conviction, forfeit 5l. for every Pound of such Leaves so dyed, &c.

Penalty on Persons having more than six Pounds of any such Leaves in their Possession: Except, &c.

II. And it is further enacted by the Authority aforesaid, That from and after the said first Day of *June*, one thousand seven hundred and seventy-seven, if any Person or Persons shall have in his, her, or their Custody or Possession, any Quantity (exceeding six Pounds Weight) of Sloe Leaves, or the Leaves of Ash, Elder, or any other Tree, Shrub, or Plant, green or manufactured, and shall not prove, to the Satisfaction of the Justice or Justices before whom the Matter shall be heard, that such Leaves were gathered with the Consent of the Owners of the Trees, Shrubs, or Plants, from which the said Leaves were taken, and that such Leaves were gathered for some other Use or Uses, and not for the Purpose of fabricating and manufacturing the same in Imitation of Tea, and shall be thereof convicted, by the Oath of one or more credible Witness or Witnesses, before any one or more Justice or Justices of the Peace for the County, City, Riding, Division, District, or Place, where such Leaves shall be so found, such Person or Persons shall respectively, for every Pound of such green or manufactured Leaves, so found in his, her, or their Custody or Possession, as aforesaid, forfeit and pay the Sum of five Pounds; and upon Non-payment thereof such Justice or Justices shall commit the Offender to the common Gaol of the County or Place where the Offence shall be committed, there to remain without Bail or Mainprize for any Time not exceeding twelve Months, nor less than six Months, or until the Penalty and Charges shall be paid.

If any Officer of Excise, &c. shall make Oath before a Justice that he suspects any such Leaves as aforesaid are concealed, such Justice may grant a special Warrant for entering any Place in Search of the same.

III. And be it further enacted by the Authority aforesaid, That if any Officer or Officers of his Majesty's Revenue of Excise, or other Person or Persons, shall have Cause to suspect that any such Leaves dyed, fabricated, or manufactured, or Leaves dying, fabricating, or manufacturing, in Imitation of Tea, or Leaves intended so to be dyed, fabricated, or manufactured, shall be hid, concealed, or lodged, in any Place whatsoever; then and in such Case, upon Oath made by such Officer or Officers, or other Person or Persons, before any one or more Justice or Justices of the Peace for the County, City, Riding, Division, District, or Place, where the same shall be so suspected to be hid, concealed, or lodged, setting forth the Ground of such his, her, or their Suspicion, it shall and may be lawful to and for the said Justice or Justices of the Peace respectively, before whom such Affidavit or Affidavits shall be made, if he or they shall judge it reasonable, by special Warrant or Warrants under his or their respective Hand and Seal, or Hands and Seals, to authorize and impower such Officer or Officers, or other Person or Persons, by Day or by Night, but if in the Night-time, then in the Presence of a Constable, or other lawful Officer of the Peace, to enter into all and every such Place or Places, where he or they shall so suspect the said dyed, fabricated, or manufactured, or other the said Leaves shall be so hid, concealed, or lodged, and to seize and carry away as forfeited all such Leaves so dyed, fabricated, or manufactured, or dying, fabricating, or manufacturing, or intended to be so dyed, fabricated, or manufactured, which he or they shall so find hid, concealed, or lodged, together with all and singular the Waggons, Carts, Boxes, Bags, Tubs, or other Vessels, or Package, containing the same. And it shall and may be lawful to and for the said Justice or Justices so granting the said Warrant, or any other Justice or Justices of the Peace for the County, City, Riding, Division, District, or Place, wherein such Seizure shall be made, on Proof of the Premises, by Oath of one or more credible Witness, or Witnesses, by Warrant or Warrants under his or their Hand or Seal, Hands or Seals respectively, to order the said dyed, fabricated, or other Leaves, so seized as aforesaid, to be conveyed to some convenient

All such Leaves so found, to be destroyed, &c.

Place, and there to be burnt or otherwise destroyed; and to order the said Waggons, Carts, Boxes, Bags, Tubs, or other Vessels or Package, containing the same as aforesaid, to be forthwith sold; and the Money arising by such Sale, after deducting the Charges of such Seizure and Sale, and of the burning, or otherwise destroying of the said Leaves, to go and be paid, one half to the Informer, and the other half to the Poor of the Parish where the Offence shall be committed: And if any Person or Persons whatsoever shall let, obstruct, or hinder, such Officer or Officers, or other Person or Persons having such Authority as aforesaid, from entering such Places where he or they shall suspect such Leaves to be so hid, concealed, or lodged, or in seizing, carrying away, burning, or otherwise destroying the same, or in seizing, carrying away, or selling the said Carts, Waggons, Boxes, Bags, Tubs, or other Vessels or Package, containing the same as aforesaid, the Person or Persons offending therein shall, for every such Offence, forfeit and lose the Sum of fifty Pounds each, on Conviction thereof, by the Oath of one or more credible Witness or Witnesses, before one or more Justice or Justices of the Peace for the County, City, Riding, Division, District, or Place, where such Offence shall be committed; and upon Non-payment of the said Forfeiture, such Justice or Justices shall commit the Offender or Offenders to the common Gaol of the County or Place where the Offence shall be committed, there to remain without Bail or Mainprize, for any Time not exceeding twelve Months, nor less than six Months, or until the Penalty and Charges shall be paid.

Penalty on Persons obstructing Officers in Search of such Leaves, &c.

IV. Provided always, and it is hereby enacted by the Authority aforesaid, That no such green and unmanufactured Leaves, so found hid, concealed, or lodged, as aforesaid, shall be burnt or otherwise destroyed, if the Owner or Owners thereof shall, within twenty-four Hours after such Seizure, prove, to the Satisfaction of the Justice or Justices granting the said Warrant for seizing such Leaves, or any other Justice or Justices of the Peace for the County, City, Riding, Division, District, or Place, where the same shall be so seized, that the said green or unmanufactured Leaves were gathered with the Consent of the Owner or Owners of the Trees, Shrubs, or Plants, from which the said Leaves were taken, and that the same were so gathered for some other Use or Uses, and not for the Purpose of dying, fabricating, or manufacturing, in Imitation of Tea, as aforesaid; and if such Proof shall, within the Time aforesaid, be made to the Satisfaction of the said Justice or Justices, then the said green or unmanufactured Leaves, together with the Carriages, Vessels, and Package, in which the same shall have been so seized, shall be forthwith restored to the Owner or Owners thereof, by Order of such Justice or Justices.

Certain Cases in which Leaves found concealed, shall not be destroyed, &c.

V. And be it further enacted by the Authority aforesaid, That all such dyed, coloured, stained, fabricated, and manufactured, and other Leaves aforesaid, shall be deemed and adjudged to be in the Custody and Possession of the Occupier or Occupiers of the Dwelling-houses, Out-houses, Gardens, and Lands, wherein or whereon the same shall be so found hid, concealed, or lodged, as aforesaid; and such Occupier or Occupiers of the said Dwelling-houses, Out-houses, Gardens, and Lands, shall be liable to all the Pains and Penalties by this Act inflicted on the Person or Persons having such dyed, coloured, stained, fabricated, or manufactured, and other Leaves, in his, her, or their Custody or Possession, if it shall be proved, to the Satisfaction of the Justice or Justices before whom the Matter shall be heard, that such Leaves were lodged in such Dwelling-houses, Out-houses, Gardens, or Lands, with the Privity or Consent of the said Occupier or Occupiers thereof.

Occupiers of Houses, &c. wherein any such Leaves shall be found, if lodged there with their Consent, shall be liable to the Penalties of this Act.

VI. And be it further enacted by the Authority aforesaid, That one Moiety of all and every the Forfeitures herein-before directed to be paid in Pursuance of this Act, shall go to the Informer, and the other Moiety to the Poor of the Parish where such Offence shall be committed.

Application of the Forfeitures.

VII. And, for the more easy Conviction of Persons offending against this Act, be it enacted by the Authority aforesaid, That in all Informations and other Proceedings for any of the Offences aforesaid, the Evidence of the Inhabitants of the Parish or Place where the Offence shall be committed, shall be taken and allowed, any Law, Custom, Rule, Order, or Usage to the contrary notwithstanding.

Inhabitants of the Parish to be admitted as Evidence.

VIII. And be it enacted by the Authority aforesaid, That his Majesty's Justices of the Peace for the respective Counties, Cities, Ridings, Divisions, Districts, or Places, wherein any of the Offences committed against this Act shall be done, are hereby authorized to put this Act in Execution, and to administer an Oath to any such credible Witness or Witnesses.

Justices to put this Act in Execution.

IX. And be it further enacted by the Authority aforesaid, That the Conviction or Convictions of all and every Offender and Offenders against this Act, shall be certified, by the

Convictions of Offenders to be certified to the next Quarter Sessions.

Justice or Justices of the Peace before whom the same shall be made, to the next general Quarter Sessions of the Peace, to be filed amongst the Records of the said Sessions; and that such Conviction shall be fairly written on Parchment or Paper, in the following Form of Words, (as the Case shall happen) or in any other Form of Words to the like Effect; that is to say:

Form of Conviction.

To wit. } *BE it remembered, That on the Day of in the Year A. B. was, upon the Complaint of C. D. convicted before of the Justices of the Peace for in Pursuance of an Act passed in the seventeenth Year of the Reign of his Majesty King* George *the Third, for* (as the Case shall be.) *Given under Hand and Seal, the Day and Year above written.*

Conviction not to be quashed for Want of Form, &c.

Which said Conviction shall be good and effectual in Law, to all Intents and Purposes, and shall not be quashed, set aside, or adjudged void or insufficient, for Want of any Form or Words whatsoever; nor shall the same be liable to be removed by *Certiorari* into his Majesty's Court of King's Bench, but shall be deemed and taken to be final, to all Intents and Purposes whatsoever.

17 GEORGII III. Cap. XLI.

An Act to prevent the clandestine unshipping from and receiving Goods at Sea on board Vessels employed in the East-India *Company's Service; for ascertaining the Manner of discharging Bonds given for the due Exportation of certain Goods from* Great-Britain *to foreign Parts; and to oblige the Masters of* British *or* Irish *Ships, sailing from any of his Majesty's Dominions into the* Baltic, *to deliver a Manifesto of their Cargoes to the* British *Consul residing there.*

[So much thereof as relates to the *East-India Company.*]

Preamble.

WHEREAS the Laws heretofore made to prevent the clandestine running of Goods from on board Ships employed in the Service of the *East-India* Company on their homeward Voyages, and the receiving of Goods on board such Ships at Sea on their outward Voyages from this Kingdom, are insufficient to answer those Purposes, it having been found by Experience that very large Quantities of Muslins, Teas, and other Goods, are unshipped from on board such Ships into Vessels that meet them at Sea on their Voyages homewards, which Goods are afterwards run on Shore on the Coasts of this Kingdom without Payment of Duties; and also that large Quantities of Wine, Brandy, and other Goods, are clandestinely laden and put on board Ships employed in the said Company's Service on their outward-bound Voyages at Sea, from Vessels that wait hovering for them upon the Coast of this Kingdom, laden with such Goods from foreign Parts; to the great Loss of the public Revenue, the Detriment of the *East-India* Company, and the Prejudice of the fair Traders: For Remedy whereof, may it please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, from and after the twenty-fourth Day of *June*, one thousand seven hundred and seventy-seven, if any Muslins, Tea, and other Goods, Wares, or Merchandizes whatsoever, shall be unshipped at Sea, and taken out of any Ship or Vessel employed in the Service of the said *East-India* Company, on her Voyage homewards to this Kingdom, at any Distance from the Coasts thereof, (unless in Case of apparent Necessity, or some other lawful Reason, of which the Master, Commander, or other Person having Charge of such Ship or Vessel, shall give immediate Notice to, and make Proof of before, the Collector and Comptroller, or the Chief Officer or Officers of the Customs, at the first Port of this Kingdom where he shall arrive); all such Muslin, Tea, or other Goods, Wares, and Merchandizes, and every Ship, Vessel, or Boat, into which the same shall be unshipped and taken, or which shall be used in the removing, carrying, or conveying the same, shall be forfeited and lost; and the Master, Commander, or other Person having Charge of such Ship or Vessel from which such Goods shall be so unshipped and taken, knowingly permitting or suffering such Goods to be so unshipped and taken out of such Ship or Vessel, and every other Person who shall be aiding, assisting, or otherwise concerned in the unshipping or receiving of such Goods, shall forfeit treble the Value thereof.

Penalty on unshipping Goods at Sea from any homeward-bound Vessel employed by the East-India Company, at any Distance from the Coasts of this Kingdom; (unless in Case of Necessity, &c.)

II. And

or on putting on board any such Vessel, outward-bound, after she has left the Port of London, any Wine, Brandy, &c.

except for the Use of the Persons on board during the Voyage.

II. And it is hereby further enacted by the Authority aforesaid, That from and after the said twenty-fourth Day of *June*, if any Wine, Brandy, or other Goods whatsoever, shall be laden or put on board any Ship or Vessel, employed in the Service of the said *East-India* Company, at Sea, at any Distance from the Coasts of this Kingdom, after such Ship or Vessel hath been cleared outwards, and departed from the Port of *London* on her outward-bound Voyage (excepting such Provisions and Stores as shall be necessary for the Use and Sustenance of the Persons on board such Ship or Vessel during the Voyage), all such Wine, Brandy, and other Goods, and every Ship, Vessel, or Boat, out of and from which such Wine, Brandy, and other Goods, shall be so unladen, shall be forfeited and lost; and the Master, Commander, or other Person having the Charge of such *East-India* Ship, knowingly permitting or suffering any such Goods to be so taken on board such Ship, and every other Person who shall be aiding, assisting, or otherwise concerned in the unshipping or receiving of the said Goods, shall forfeit treble the Value thereof.

Penalties and Forfeitures how to be recovered and applied.

III. And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures, as well specific as pecuniary, by this Act imposed, shall and may be sued for, prosecuted, and recovered, in any of his Majesty's Courts of Record at *Westminster*, by Action, Bill, Plaint, or Information, in the Name of his Majesty's Attorney-General, or in the Name of some Officer or Officers of the Customs, by the same Rules, Methods, Ways, and Means, as other Penalties and Forfeitures inflicted for Offences against the Laws for securing the Revenue of Customs are and may be sued for, prosecuted, and recovered; and that one-third Part of all such Penalties and Forfeitures shall be to the Use of his Majesty, his Heirs and Successors, one other third Part thereof to the Use of the said United Company, and the remaining third Part to the Officer or Officers of the Customs who shall inform or prosecute for the same.

Defendants, in any Suit relating to this Act, may plead the General Issue,

and recover treble Costs.

VI. And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons for any Thing done in Pursuance of this Act, the Defendant or Defendants in such Action or Suit may plead the General Issue, and give this Act and the special Matter in Evidence, at any Trial to be had thereupon, and that the same was done in Pursuance and by the Authority of this Act: And if it shall appear so to have been done, then the Jury shall find for the Defendant and Defendants; and if the Plaintiff shall be nonsuited, or discontinue his Action after the Defendant or Defendants shall have appeared, or if Judgment shall be given, upon any Verdict or Demurrer, against the Plaintiff, the Defendant or Defendants shall recover treble Costs, and have the like Remedy for the same as Defendants have in other Cases by Law.

19 GEORGII III. Cap. XLVIII.

An Act to explain so much of an Act, made in the twelfth Year of the Reign of King Charles *the Second, intituled,* An Act for the encouraging and increasing of Shipping and Navigation, *as relates to the Importation into this Kingdom, and other his Majesty's Dominions, of Goods and Commodities of the Growth or Production of* Africa, Asia, *or* America, *which are manufactured in foreign Parts; for preventing Masters of Ships removing their Vessels out of the Stream, except to the lawful Quays, in the Port of* London, *before the Goods are discharged, or their Vessels are cleared by the proper Officers inwards or outwards; and for allowing the Officers of the Customs and Excise to make Use of Lights on board Ships in the Haven, Dock, or Bason, at the Port of* Kingston upon Hull.

[So much thereof as relates to the *East-India Company.*]

Preamble.

Recital of the Navigation Act, 12 Car. 2. c. 18.

WHEREAS by an Act, made in the twelfth Year of the Reign of King *Charles* the Second, intituled, *An Act for the encouraging and increasing of Shipping and Navigation*; it was, amongst other Things, enacted, That no Goods or Commodities of the Growth, Production, or Manufacture of *Africa*, *Asia*, or *America*, shall be imported or brought into *England*, *Ireland*, *Wales*, the Islands of *Guernsey* or *Jersey*, or Town of *Berwick upon Tweed*, from any other Place or Places, Country or Countries, but only from those of the said Growth, Production, or Manufacture,

ture, or from those Ports where the said Goods and Commodities can only, or are or usually have been first shipped for Transportation, and from none other Places or Countries, under the Penalty of the Forfeiture of all such of the aforesaid Goods as shall be imported from any other Place or Country, contrary to the true Intent and Meaning of the said Act, as also the Ship in which they were imported, with all her Guns, Furniture, Ammunition, Tackle, and Apparel: And whereas Doubts have arisen whether such Goods, if carried from the Place or Country of the Growth or Production into any foreign Parts of *Europe*, and manufactured there, may not be imported from thence into this Kingdom, and other of his Majesty's Dominions in the said Act mentioned; And whereas the Importation of such Goods and Commodities so manufactured would be very prejudicial to the Trade and Navigation of *Great-Britain*, and would tend to the Ruin of several Artificers and Labourers, whose Families are supported by the manufacturing of such Goods and Commodities in this Kingdom; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, from and after the twenty-fourth Day of *June*, one thousand seven hundred and seventy-nine, the said in Part recited Act, of the twelfth Year of the Reign of King *Charles* the Second, shall not extend, or be construed to extend, to permit any Goods or Commodities whatsoever, of the Growth or Production of *Africa*, *Asia*, or *America*, which shall be in any Degree manufactured in foreign Parts, to be imported or brought into the Kingdom of *Great-Britain*, *Ireland*, or the Islands of *Guernsey*, *Jersey*, or *Man*, except and unless the same shall be so manufactured in the Country or Place of which the said Goods and Commodities are the Growth and Production, or in the Place where such Goods and Commodities can only or are first shipped for Transportation, and from no other Place or Country whatsoever, under the Penalties and Forfeitures in the said Act mentioned, any Custom or Usage to the contrary notwithstanding.

Explanation of Part of the said Act, in Respect of foreign Goods not manufactured at Place of Growth, or Place where first shipped.

II. Provided nevertheless, That this Act shall not restrain or prohibit the Importation of Oil of Cloves, Oil of Cinnamon, Oil of Mace, and Oil of Nutmegs, or of any Goods or Commodities which are permitted to be imported into this Kingdom, under particular Circumstances and Restrictions, by any subsequent Act or Acts of Parliament which are now in Force.

Certain Goods the Importation whereof is not prohibited by this Act.

III. And whereas Ships and Vessels arriving at the Port of *London* from *Holland* and *Flanders*, and other foreign Parts, and also Ships and Vessels outward-bound from the said Port to foreign Parts, are frequently removed from the lawful Quays, or out of the Stream, to lie at Anchor close to the Back-doors of the Houses of the Masters of such Vessels, or at the Public Houses frequented by such Masters on the Side of the River *Thames*, before they are discharged and cleared by the proper Officers of the Customs, whereby Cambricks, Lace, *India* Silks, and other prohibited Goods, are very often run from on board such Vessels, to the Detriment of the Revenue and fair Trader; for Remedy whereof for the Future, be it enacted by the Authority aforesaid, That, from and after the first Day of *June*, one thousand seven hundred and seventy-nine, if any Ship or Vessel, coming or arriving from foreign Parts, within the Limits of the Port of *London*, shall be removed out of the Stream, except to the lawful Quays, before all the Goods are discharged out of such Ship or Vessel; or if any Ship or Vessel, outward-bound from the said Port of *London* to any foreign Parts, having any Goods or Merchandize on board thereon, shall, during her Continuance in the said Port, be so removed out of the Stream, except to the lawful Quays, unless upon any Accident or emergent Occasion, immediately to be made known to the Commissioners or principal Officers of his Majesty's Customs, and their Consent for those respective Purposes obtained; the Master, Purser, or other Person taking Charge of every such Ship or Vessel, shall forfeit and lose the Sum of one hundred Pounds for each and every such respective Offence; one Moiety whereof shall be to the Use of his Majesty, his Heirs and Successors, and the other Moiety to such Officer or Officers of the Customs as shall inform, prosecute, or sue for the same, in any of his Majesty's Courts of Record at *Westminster*.

Penalty on Masters of Ships removing their Vessels out of the Stream, except to the lawful Quays, in the Port of London, before the Goods are discharged, &c.

19 GEORGII III. Cap. LXI.

An Act for continuing in the Possession of the United Company of Merchants of England *trading to the* East-Indies, *for a limited Time, and under certain Conditions, the territorial Acquisitions and Revenues lately obtained in the* East-Indies; *and for continuing for a limited Time, so much of an Act, made in the thirteenth Year of the Reign of his present Majesty, intituled,* An Act for establishing certain Regulations for the better Management of the Affairs of the *East-India* Company, as well in *India* as in *Europe*, *as will expire in the Course of the present Year.*

Preamble. Recital of 13 Geo. 3. c. 64.

WHEREAS by an Act, passed in the thirteenth Year of the Reign of his present Majesty, intituled, *An Act for granting to his Majesty a Sum of Money, to be raised by Exchequer Bills; and to be advanced and applied in the Manner, and upon the Terms, therein mentioned, for the Relief of the United Company of Merchants of* England *trading to the* East-Indies; it was directed, That the Commissioners of his Majesty's Treasury, or the Lord High Treasurer for the Time being, should cause to be prepared and made any Number of Exchequer Bills, not exceeding in the Whole the Amount of one million four hundred thousand Pounds, to be lent, advanced, and issued, as in the said Act was directed, for the Relief of the United Company of Merchants of *England* trading to the *East-Indies:* And whereas by the said Act it was declared, That, in the then Circumstances of the *East-India* Company, it would not be in their Power to provide for the Repayment of the Loan aforesaid, and for establishing their Affairs upon a more secure Foundation for the Time to come, unless the Public should agree to forego, for the then present Time, all Participation in the Profits arising from the territorial Acquisitions and Revenues lately obtained in the *East-Indies;* and therefore it was by the said Act enacted, That until the aforesaid Sum of one million four hundred thousand Pounds should be repaid, and the Bond Debt of the Company be reduced to the Sum of one million five hundred thousand Pounds, the Whole clear Profits arising from the aforesaid territorial Acquisitions and Revenues, after defraying the Charges and Expenses attending the same, together with all the clear Revenue and Profits of the said Company, after providing for the current Payments of Interest, and other Outgoings, Charges, and Expences, of the said Company, should from Time to Time, be disposed of and applied in the Manner as in the said Act was directed; (that is to say), until the aforesaid Sum of one million four hundred thousand Pounds should be repaid, and so long as the said Sum or any Part theref, should remain unpaid, there should, in the first Place, be set apart and applied, out of the said clear Revenues and Profits, such a Sum as might be sufficient for answering a Dividend to the Proprietors of the Stock of the said Company, not exceeding the Rate of six Pounds *per Centum per Annum* upon the capital Stock of the said Company; and all the Surplus of the said clear Revenues and Profits should be applied in Diminution of the said Sum of one million four hundred thousand Pounds, or such Part thereof as should be remaining unpaid, and for defraying the Charges incurred in Respect thereof; and after the Repayment of the Whole of the Money so advanced and applied as aforesaid, and until the Bond Debt of the said Company should be reduced to the Sum of one million five hundred thousand Pounds, there should in like Manner be set apart and applied, in the first Place, out of the said clear Revenues and Profits, such Sum as might be sufficient for answering a Dividend not exceeding the Rate of seven Pounds *per Centum per Annum* upon the capital Stock of the said Company; after which all the Surplus of the said clear Revenues and Profits should be applied in reducing the Bond Debt of the said Company: And whereas the said Sum of one million four hundred thousand Pounds has been repaid, and fully discharged, and all the Charges incurred in Respect thereof have been defrayed, and the Bond Debt of the said Company has been reduced to, or under, the Sum of one million five hundred thousand Pounds, whereby the Circumstances, in Consideration whereof it was in the aforesaid Act declared that the Public should agree to forego, for the then present Time, all Participation in the Profits arising from the territorial Acquisitions and Revenues lately obtained in the *East-Indies*, have ceased and are determined; but whereas notwithstanding it may be expedient that the aforesaid territorial Acquisitions and Revenues should, for a limited Time, and under certain Conditions and Restrictions, remain in the Possession of the United Company of Merchants of *England* trading to the *East-Indies:* May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the territorial Acquisitions and Revenues lately obtained in the

Recital of the Debt of 1,400,000l. being discharged, and the Bond Debt reduced to 1,500,000l.

All the territorial Acquisitions and Revenues lately obtained in the East-Indies, to remain in Possession of the Company till April 5, 1780. *See further*, 21 *Geo.* 3. *c.* 65. *s.* 9. 23 *Geo.* 3.

c. 83. *s.* 8. *& 24 Geo.* 3. *c.* 34. *s.* 4.

the *East-Indies*, shall remain in the Possession of the United Company of Merchants of *England* trading to the *East-Indies*, and their Successors, for and during the Term of one Year, to be computed from the fifth Day of *April*, in the Year of our Lord one thousand seven hundred and seventy-nine.

No Dividend to be made by the Company, before April 5, 1780, of more than eight per Cent. per Annum.

II. *Provided always, and be it further enacted by the Authority aforesaid, That, for and during the said Term, the Whole clear Profits arising from the said territorial Acquisitions and Revenues, after defraying the Charges and Expenses attending the same, together with all the clear Revenue and Profits of the said Company, after providing for the current Payments of Interest, and other Outgoings, Charges, and Expenses, of the said Company, shall be disposed of and applied in Manner following; that is to say, it shall and may be lawful, out of the said clear Revenues and Profits, to set apart and apply, in the first Place, such Sum as may be sufficient for answering a Dividend to the Proprietors of the Stock of the said Company, not exceeding the Rate of eight Pounds* per Centum per Annum *upon the capital Stock of the said Company, after which the whole Surplus of the said clear Revenues and Profits shall be reserved and await any future Agreement that may be made between the Public and the said Company.*

The Company are to cause to be made up half-yearly, during the Continuance of this Act, an Account of the Profit and Loss upon their Trade, &c.

which shall be transmitted to the Commissioners of the Treasury.

III. And be it further enacted by the Authority aforesaid, That, during the Continuance of this Act, the said United Company do cause, and they are hereby directed and required to cause to be made up half-yearly, with as much Accuracy as the Nature of the Case will admit, a Statement or Account of the Profit and Loss upon the Whole of the Trade and Revenues of the said Company, together with a State of the Debts of the said Company in *England*, exclusive of their Bond Debt, to the first Day of *September*, and the first Day of *March*; the first of such Statements or Accounts to be made up from the first Day of *March*, to the first Day of *September*; one thousand seven hundred and seventy-nine; and to transmit such Statement or Account fairly written, and signed by two or more of the Directrrs of the said United Company, within twenty-one Days after the Day to which such Statement or Account shall be made up respectively, to the Commissioners of his Majesty's Treasury, or the High Treasurer for the Time being.

The Company restricted from accepting Bills above a certain Sum drawn on them by their Officers, &c. in the East-Indies, without the Consent of the Commissioners of the Treasury.

See 13 *Geo.* 3. *c.* 64. *s.* 16. 20 *Geo.* 3. *c.* 56. *s.* 4. 21 *Geo.* 3. *c.* 65. *s.* 26. 24 *Geo.* 3. *c.* 34. *s.* 1 *and* 2.

IV. And be it enacted by the Authority aforesaid, That, during the Continuance of this Act, it shall not be lawful for the said United Company, or their Successors, or any of their Officers or Servants on their Account, to accept or otherwise bind the said Company, or their Successors, for the Payment of any Bill or Bills of Exchange, drawn by any of their Officers or Servants, at any of their Presidencies in the *East-Indies*, for any Sum exceeding the Sum of three hundred thousand Pounds, exclusive of Certificates, to the Amount of eight thousand Pounds, to the Commander and Officers of each of the Company's Ships, without the Consent and Order first had and obtained of the Commissioners of his Majesty's Treasury for the Time being, or any three or more of them, or of the High Treasurer for the Time being, who are hereby respectively authorized to give such Consent, or to make such Order thereon as they shall judge expedient; and every Acceptance or Engagement made contrary to the true Meaning and Intent of this Act, shall be null and void to all Intents and Purposes.

Recital of 13 *Geo.* 3. *c.* 63. of the Appointment of the Governor-General and Counsel of Bengal for 5 Years.

V. And whereas by another Act, passed in the same Session of Parliament, intituled, *An Act for establishing certain Regulations for the better Management of the Affairs of the* East-India *Company, as well in* India *as in* Europe, it was, among other Things, enacted, That, for the Government of the Presidency of *Fort William* in *Bengal*, there should be appointed a Governor-General and four Counsellors, and that the whole Civil and Military Government of the said Presidency, and also the Ordering, Management, and Government, of all the territorial Acquisitions and Revenues in the Kingdoms of *Bengal*, *Bahar*, and *Orissa*, should, during such Time as the territorial Acquisitions and Revenues should remain in the Possession of the said United Company, be vested in the said Governor-General and Council of the said Presidency of *Fort William* in *Bengal*; and also that the Governor-General, and four first Counsellors, appointed by the said Act, should each of them hold and continue in his and their respective Offices for and during the Term of five Years from the Time of their Arrival at *Fort William* in *Bengal*, and taking upon them the Government of the said Presidency, and should not be removeable in the mean Time, except by his Majesty, his Heirs and Successors, upon Representation made by the Court of Directors for the said United Company for the Time being: And whereas it may be expedient that the said Regulations should be extended to the Person and Persons who, at the Time of passing this Act, shall have and enjoy the respective Offices of Governor-General, and Counsellors of the said Presidency; be it therefore enacted by the Authority aforesaid, That, the Person and Persons who, at the Time of passing this Act, shall have and enjoy the Office and Offices of Governor-General

The Governor General and Counsellors of

General and Counsellors of the said Presidency, shall hold and continue in his and their respective Offices for and during the Continuance of this Act, and shall not be removeable in the mean Time, except by his Majesty, his Heirs, and Successors, upon Representation made by the Court of Directors for the said United Company for the Time being; and shall have and enjoy all and singular the Powers and Authorities vested by the said Act in the first Governor-General and four first Counsellors by the said Act appointed, and shall be subject to the said Restrictions and Limitations as by the said Act the first Governor-General and first four Counsellors were made subject; and that in Case of the Avoidance of the Offices of such Governor-General, or any of the said Counsellors, such Office shall be respectively supplied in the same Manner as the same Office would by the said Act have been supplied, during the Remainder of the Term of five Years which was computed from the Time that the first Governor-General and four first Counsellors took upon them the Government of the said Presidency.

the Presidency of Fort William, shall continue in their offices during the Continuance of this Act, except they should be removed by his Majesty, &c.

See 21 *Geo.* 3. *c.* 65. *s.* 35. 24 *Geo.* 3. *c.* 25. *& 26 Geo.* 3. *c.* 16 *& 25*

Vacancies to be supplied by the Directors

VI. Provided always nevertheless, and be it enacted, That nothing in this Act contained shall extend, or be construed to extend, to affect the Rights of the Crown, or of the said Company, after the Expiration of this Act; but that the same shall remain, continue, and be in the same State and Condition, in all Respects, as though this Act had never been made.

This Act not to affect the Rights of the Crown, or of the Company, after the Expiration thereof.

VII. And be it further enacted by the Authority aforesaid, That this Act shall be deemed and taken to be a public Act; of which Notice shall be judicially taken by all Judges, Justices, and all other Persons whatsoever, without specially pleading the same.

Public Act.

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19 GEORGII III. Cap. LXIX.

An Act for the more effectually preventing the pernicious Practices of Smuggling in this Kingdom; and for indemnifying Persons who have been guilty of Offences against the Laws of the Customs and Excise, upon the Terms therein mentioned.

Preamble.

WHEREAS, in Defiance of the several Laws of Customs and Excise already made, and of the Penalties and Provisions from Time to Time enacted for the Punishment of Offenders against such Laws; and notwithstanding the Grace and Clemency lately offered to Persons who had been guilty of smuggling Offences, great Quantities of prohibited and uncustomed Goods, and particularly of Tea, foreign Brandy, and other foreign Spirits, continue to be illegally imported into and landed in this Kingdom; and such Goods are run, carried, and conveyed, from the Sea Coasts through the Country, as well by secret Frauds and clandestine Practices as by open Force, and by Gangs of daring and dissolute Persons, armed with offensive Weapons, and associated and assembled to carry into Execution their evil and pernicious Purposes, in Subversion of all civil Authority and Power whatsoever: And whereas it is become highly necessary, for the Preservation of the public Revenue, the Protection of the fair Trader, and the quiet and good Order of the Kingdom, that some further Provisions should be made for the better preventing such illegal Practices, and for deterring all Persons from committing such Offences, or from being aiding and assisting therein; be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, from and after the first Day of *August*, one thousand seven hundred and seventy-nine, where any foreign Brandy, or other foreign spirituous Liquors, shall be imported or brought into *Great-Britain*, or into any Port, Harbour, Haven, or Creek thereof, from any Part of *Europe*, in any Vessel or Cask which shall not contain sixty Gallons at the least, (excepting only for the Use of the Seamen then belonging to and on board the Ship or Vessel in which the same shall be imported, not exceeding two Gallons for each Seaman), then not only the said Brandy, and other foreign spirituous Liquors, but also the Ship or Vessel in which the same shall be so imported, of whatever Burthen the same may be, with all her Guns, Furniture, Ammunition, Tackle, and Apparel, shall be forfeited and lost.

Foreign spirituous Liquors imported, from any Part of Europe, in a Cask containing less than 60 Gallons, shall be forfeited, with the Ship, Guns, &c. (Exception.)

II. And it is hereby further enacted by the Authority aforesaid, That, from and after the said first Day of *August*, one thousand seven hundred and seventy-nine, when any Tea, Coffee, foreign Brandy, or other foreign spirituous Liquors, or any Goods whatsoever, are liable to forfeiture for being found on board any Ships or Vessels coming or arriving from foreign Parts, at anchor, or hovering within the Limits of any of the Ports of this Kingdom, or within two Leagues of

When any Tea or other Goods are liable to Forfeiture for being found on board any Ship coming from foreign Parts at anchor, &c. or hovering;

on the Coasts, the said Ship, if not above 200 Tons, shall be forfeited with her Guns, &c.

of the Coasts thereof, or for having been discovered to have been within the Limits of any Port contrary to any Act of Parliament now in Force, the Ship or Vessel, if coming or arriving from any Part of *Europe*, on board which such Goods shall be so found, together with all her Guns, Furniture, Ammunition, Tackle, and Apparel, shall be forfeited, provided such Ship or Vessel doth not exceed the Burthen of two hundred Tons.

Recital of Act 8 Geo. 1. c. 18. sec. 3.

III. And whereas by an Act, made in the eighth Year of the Reign of his late Majesty, King *George* the First, it was, amongst other Things, enacted, That, if any Boat, Wherry, Pinnace, Barge, or Galley, rowing, or made or built to row, with more than four Oars, should be found upon the Water, or in any Place within the Counties of *Middlesex*, *Surry*, *Kent*, or *Essex*, or in the River *Thames*, either above or below *London Bridge*, or within the Limits of the Ports of *London*, *Sandwich*, or *Ipswich*, such Boat, Wherry, Pinnace, Barge, or Galley, with all her Tackle and Furniture, or the Value thereof, should be forfeited, and the Owner or Owners thereof, or any Person using or rowing the same, should also forfeit and lose the Sum of forty Pounds; in which Act it was provided, that the said Act should not extend to any Barge or Galley belonging to his Majesty, or any of the Royal Family, or to any Long-boat, Yaul, or Pinnace, belonging to or used in the Service of any Merchant Ship or Vessel, or to any such Boat, Wherry, Pinnace, Barge, or Galley, as should be lisensed by the Lord High Admiral, or Commissioners for executing the Office of Lord High Admiral, or the major Part of them for the Time being, upon sufficient Security to be given to his Majesty, his Heirs and Successors, by the Owner or Owners of such Boat, Wherry, Pinnace, Barge, or Galley, as in the said Act is directed, with Condition that the same should not be made Use of in the clandestine running of uncustomed and prohibited Goods: And whereas it may be a Means to prevent and discourage the pernicious Practice of Smuggling, if the like Penalties, Forfeitures, and Restrictions, were extended to such Boats and other Vessels as are made or built to row, or are found rowing with more than six Oars, within any other Part of this Kingdom; be it therefore enacted by the Authority aforesaid, That, from and after the said first Day of *August*, one thousand seven hundred and seventy-nine, the said in Part recited Act, and the several Clauses, Penalties, Forfeitures, and Restrictions, therein contained, (not altered by this Act), so far as the same relate to Boats, Wherries, Pinnaces, Barges, or Gallies, rowing, or made or built to row, with more than four Oars, within the Counties and Places in the said Act mentioned, shall extend, and be construed to extend, to all Boats, Wherries, Pinnaces, Barges, Gallies, or other Vessels whatsoever, rowing, or made or built to row, with more than six Oars, which shall be found, either upon the Land or Water, within any Harbour, Port, or Place whatsoever, in any other Part of *Great-Britain*, or within two Leagues of the Coast thereof, subject nevertheless to the several Exceptions relative thereto as in the said recited Act is and are particularly provided.

The said Act, so far as it relates to Boats, &c. built to row with more than four Oars, within the Counties therein mentioned, shall be extended, to Boats, &c. built to row with more than six Oars, in any Part of Great Britain.

This Act not to extend to Commanders of his Majesty's Ships, or Transport Vessels, &c.;

IV. Provided nevertheless, and be it enacted, That nothing herein contained shall extend, or be construed to extend, to the Commanders of any of his Majesty's Ships or Vessels employed in the Transport Service, with respect to foreign spirituous Liquors put on board them, to be issued by way of Allowance to the respective Ships' Companies, or Troops put on board them.

nor to Tow-boats in the Port of Bristol.

V. Provided always, and be it enacted, That nothing in this Act shall be construed to extend to Boats commonly called *Tow-boats* (used in towing Ships or Vessels), belonging to licensed Pilots, within the Port and Jurisdiction of the City of *Bristol*.

Ships and Boats, forfeited by this Act may be seized by any Officer of Customs or Excise.

When any Ships, &c. shall be seized as are not fit for his Majesty's Service, their Hulls may be broken up and sold.

VI. And it is further enacted by the Authority aforesaid, That the Ships, Vessels, and Boats, forfeited by this Act, shall and may be seized and arrested by any Officer or Officers of the Customs or Excise; and shall and may be prosecuted, condemned, and recovered, in the same Manner as other Ships and Vessels are directed to be prosecuted, condemned, and recovered, by an Act made in the third Year of the Reign of his present Majesty, (intituled, *An Act for the further Improvement of his Majesty's Revenue of Customs, and for the Encouragement of Officers making Seizures, and for the Prevention of the clandestine running of Goods into any Part of his Majesty's Dominions)*; and that when any Ship, Vessel, or Boat, liable to forfeiture by this Act, which, by any Act or Acts of Parliament now in Force, is after Condemnation liable to be burnt or destroyed, or to be used in his Majesty's Service, shall be seized by any Officer of Customs or Excise as forfeited, and the same shall not be thought fit or necessary to be used in his Majesty's Service, it shall and may be lawful for the respective Commissioners of Customs and Excise, after Condemnation, to direct the Hull of every such Ship, Vessel, or Boat, to be broken up, and the Materials of every such Hull to be sold to the best Advantage, and the Produce thereof to be divided in the same Manner as the Produce of the Tackle, Furniture, and Apparel, of Ships, Vessels, and Boats, burnt and destroyed, is now directed to be divided; and no Writ of

of Delivery shall be granted out of the Court of Exchequer for any such Ship, Vessel, or Boat, so seized by any Officer of the Customs or Excise, and which by any former Act relating to the Customs or Excise is directed to be burnt or destroyed, or to be used in his Majesty's Service, and which is hereby liable to be broken up, unless the Officer seizing the same shall delay proceeding to the Trial and Condemnation thereof for the Space of three Terms; and in that Case, not without good Security being given, in double the Value of such Ship, Vessel, or Boat, to return the same upon Condemnation, in order to be broken up, or used in his Majesty's Service.

In what Cases Writs of Delivery may be granted out of the Exchequer for such Ships, &c.

Penalty of 300l. on the Master of any Ship coming from abroad having more than 100 Pounds of Tea on Board, (not being an East-India Ship); or more than 100 Gallons of foreign Spirits (besides two Gallons for each Seaman on Board), being in Casks under 60 Gallons.

Officers of Customs or Excise may arrest such Masters, &c.

VII. And be it further enacted by the Authority aforesaid, That, from and after the said first Day of *August*, one thousand seven hundred and seventy-nine, in all Cases where the Officers of Customs or Excise shall discover and find on Board any Ship or Vessel, coming and arriving from foreign Parts, within the Limits of any of the Ports of this Kingdom, more than one hundred Pounds Weight of Tea, not being in Ships belonging to or employed by the United Company of Merchants of *England* trading to the *East-Indies*; or more than one hundred Gallons of foreign Brandy, or of other foreign spirituous Liquors, over and above the Quantity of two Gallons for every Seaman then belonging to and on board such Ship or Vessel, and being in Casks under sixty Gallons; the Master, or other Person having or taking the Charge of such Ship or Vessel, shall forfeit the Sum of three hundred Pounds; and it shall and may be lawful in such Case for any Officer or Officers of the Customs or Excise, and for all other Persons acting in their Aid and Assistance, and they and each of them is and are hereby authorized to arrest, take, and detain, the said Master or other Person so having the Charge or Command of such Ship or Vessel, and to carry and convey the Person so taken before any one of his Majesty's Justices of the Peace, residing near to the Place where such Ship or Vessel shall then be, or where such Person shall be arrested and taken; and the Person so carried and conveyed shall be obliged to enter into a Recognizance to his Majesty, his Heirs and Successors, before such Justice, in the Sum of three hundred Pounds, (which Recognizance such Justice is hereby authorized and required to take), with Condition to enter an Appearance in the Courts of Exchequer in *England* and *Scotland* respectively, within the first four Days of the Term next ensuing such Arrest, to any Information which shall or may be exhibited against him; and such Justice shall, and he is hereby required forthwith to transmit every such Recognizance to the King's Remembrancer in such of the said respective Courts; and if such Person shall refuse to enter into such Recognizance as aforesaid, then such Justice shall commit such Person to the next County Gaol, there to remain until he shall enter into such Recognizance.

Officers of Customs or Excise, and their Assistants, may arrest all Persons found aiding in unshipping unaccustomed or prohibited Goods;

and carry them before a Justice, who may commit them.

VIII. And it is further enacted by the Authority aforesaid, That, from and after the said first Day of *August*, one thousand seven hundred and seventy-nine, it shall and may be lawful for any Officer or Officers of the Customs or Excise, and for all other Persons acting in their Aid and Assistance, to arrest, stop, and detain, all and every Person and Persons who shall be found aiding or assisting in unshipping to be laid on Land any Tea, foreign Brandy, or other foreign spirituous Liquors, or any Goods or Merchandizes whatsoever, (Customs and other Duties not being first paid or secured), or which are or may be prohibited to be imported into this Kingdom; and such Officer or Officers, and all Persons acting in their Aid and Assistance, shall forthwith carry and convey the said Person or Persons before one or more of his Majesty's Justices of the Peace residing near to the Place where such Offences shall be committed; and such Justice or Justices shall, if he or they see Cause, commit such Person or Persons to the next County Gaol, there to remain, without Bail or Mainprize, until the next General Quarter Sessions of the Peace to be holden for the same County or Place, to be tried and dealt with as by this Act is herein-after directed.

Two or more Persons travelling together armed, or in disguise, with any Horse or Carriage laden with more than six Pounds of Tea, or five Gallons of foreign Spirits, without a Permit, may be arrested by any Officers of Customs or Excise, and carried before a Justice,

IX. And be it further enacted by the Authority aforesaid, That, from and after the first Day of *August*, one thousand seven hundred and seventy-nine, if any Persons, to the Number of two or more in Company, shall be found passing in any Part of this Kingdom with one or more Horse or Horses, or with any Cart or Carriage, whereon there shall be laden or put more than six Pounds Weight of Tea, or foreign Brandy, or other foreign spirituous Liquors, exceeding the Quantity of five Gallons, not having paid the respective Duties by Law charged thereon, and not having an authentic Permit or Permits with the same; and shall carry any offensive Arms or Weapons, or wear any Vizard, Mask, or other Disguise, when passing with such Tea, or foreign spirituous Liquors, as aforesaid; it shall and may be lawful for any Officer or Officers of the Customs or Excise, and all other Persons acting in their Aid and Assistance, to stop, arrest, and detain, the Person and Persons so passing as aforesaid, in whose Charge, Care, Custody, or Possession, the said Tea, foreign Brandy, or other foreign spirituous Liquors, or either of them, shall then be found; and the said Officer and Officers, and the Persons acting in their Aid and Assistance, shall

and may, and they are hereby authorized to convey the Person or Persons, so offending as aforesaid, before any one or more of his Majesty's Justices of the Peace; who, if he or they see Cause, shall commit the Offender or Offenders to the next County Gaol, there to remain, without Bail or Mainprize, till the next General Quarter Sessions of the Peace of the County or Place, to be tried and dealt with as by this Act is herein-after directed.

who may commit them.

Any Person who shall obstruct any Officer of Customs or Excise in seizing uncustomed or prohibited Goods;

or shall attempt to rescue the same;

or shall damage any Casks, &c. in which such Goods shall be contained; may be arrested by the Officers, &c. and carried before a Justice, who may commit the Offender.

X. And be it further enacted by the Authority aforesaid, That if, from and after the said first Day of *August*, one thousand seven hundred and seventy-nine, any Person or Persons whatsoever shall assault, resist, oppose, molest, obstruct, or hinder, any Officer or Officers of the Customs or Excise in due seizing or securing any Coffee, Tea, Cocoa-nuts, Chocolate, foreign Brandy, or other foreign spirituous Liquors, or any other Goods whatsoever, which by any Officer or Officers of the Customs or Excise shall or may be liable to be seized by Virtue of or in Pursuance of any Act now in Force; or shall by Force or Violence rescue, or shall cause to be rescued, any of the said Goods, after the same shall have been seized by such Officer or Officers as aforesaid, or shall attempt or endeavour so to do; or, after such Seizure, shall cut, stave, break, or otherwise destroy or damage, any Casks, Vessels, Boxes, or Package, wherein the same respectively shall be contained; it shall and may be lawful to and for the Officers of the Customs and Excise, and for all Persons acting in their Aid and Assistance, to stop, arrest, and detain, all and every the Person and Persons so offending, and him, her, or them, forthwith to carry and convey before one or more of his Majesty's Justices of the Peace, near to the Place where the Offence shall be committed or done; and the Justice or Justices shall, if he or they see Cause, commit the Person or Persons, so brought before him or them, to the next County Goal, until the next General Quarter Sessions of the Peace to be holden for the same County or Place, there to be tried and dealt with as by this Act is herein-after directed.

Officers to enter into recognizance to prosecute.

Charges of Prosecution to be paid by Receiver-General of Customs or Excise.

XI. And be it further enacted by the Authority aforesaid, That the Officer or Officers who shall convey any Offender, arrested by the Authority of this Act, before any Justice of the Peace as aforesaid, shall, in Case such Offender shall be committed to the County Gaol as aforesaid, enter into a Recognizance to his said Majesty, his Heirs and Successors, before such Justice, in the Sum of forty Pounds, conditioned to appear at such General Quarter Sessions of the Peace, and to prosecute the Person so committed; and the Commissioners of Customs and Excise respectively are hereby directed and required to order the Charges of such Prosecution to be paid out of any Money in the Hands of the Receiver-General of the Customs and Excise respectively, arising by any Branch of the Revenue under their respective Management.

Persons committed as aforesaid to be tried by the Quarter Sessions;

who, on Conviction, shall commit the Offender to hard Labour in the House of Correction of the County, &c.

XII. And be it further enacted by the Authority aforesaid, That where any Person or Persons shall be arrested, detained, and committed, as aforesaid, for any Offence against this Act, to any County Gaol, there to remain until the next General Quarter Sessions as aforesaid, it shall and may be lawful for the Justices at such Sessions, and they are hereby authorized and required to examine, hear, try, and determine, all and every such Offence and Offences; and if the Person or Persons so committed as aforesaid, shall be duly convicted before them of any Offence against this Act, then, and in every such Case, it shall and may be lawful for the said Justices, at such General Quarter Sessions, and they are hereby respectively authorized and required, in Lieu of any other Punishment to which such Offender or Offenders might be liable for the same Offence by any former Act, to commit such Person or Persons to hard Labour in the House of Correction of the County, City, Town, or Place, there to remain for a Term not exceeding three Years, nor less than one Year.

But if such Convict shall be deemed a proper Person to serve his Majesty by Land or Sea, the Justices shall deliver him over to the proper Officer.

XIII. Provided always, That if any Person so convicted shall be approved of by any Officer of his Majesty's Land Forces or Fleet, as an able and proper Person to serve his Majesty, it shall and may be lawful for the said Justices, at such General Quarter Sessions, and they are hereby respectively authorized and required, in Lieu of any other Punishment to which such Offender may be liable by this or any former Act for the same Offence or Offences, to order and adjudge every such Offender to serve his Majesty as a Soldier or Sailor, and to cause such Man to be delivered over to such Officer of his Majesty's Land Forces or Fleet, such Officer giving a Receipt under his Hand acknowledging what Men are so delivered to him, which Receipt such Officer is hereby required to give; and such Officer may, in Case he shall find it necessary, detain such Man in some secure House or Place; and no Person so delivered in Pursuance of this Act shall be liable to be taken out of his Majesty's Service by any Process other than for some criminal Matter.

If Justices, at the Time of convicting any such Offender, shall not be attended

XIV. And be it further enacted by the Authority aforesaid, That if the said Justices in their Sessions shall not be attended, at the Time of convicting such Offender or Offenders as aforesaid, by some proper Officer of his Majesty's Land Forces or Fleet, it shall and may be lawful for the said

Justices to adjourn themselves to some other convenient Day, and to give such Directions as they shall think proper for securing such Offenders as aforesaid, and, to cause Notice to be given to any such Officer of the Day and Place of such Adjournment; and such Officer is hereby required to attend, or appoint some other Person to attend, the said Justices at such Adjournment, and to receive such Persons as they shall adjudge or order to be so delivered as aforesaid, in Case such Officer shall approve of such Person or Persons as able and proper to serve his Majesty in Manner aforesaid.

by a proper Officer, they may adjourn, and give Notice to Officer, &c.

Justices may levy a Fine upon Gaoler, &c. for suffering an Escape, or on Parish Officers for making Default in Execution of Warrants, &c.

XV. And it is hereby further enacted by the Authority aforesaid, That it shall and may be lawful for the said Justices to impose upon any Gaoler or Keeper of any House of Correction, or of any Prison, who shall suffer any Person, committed to his Custody in Pursuance of this Act, to escape, or upon any Constable, Headborough, Tithingman, or Parish or Town Officer, for every wilful neglect or default in the Execution of any Warrant, Order, or Precept, to them, or any of them, directed in Pursuance of this Act, a Fine not exceeding ten Pounds, and to cause every such Fine to be levied by Distress and Sale of the Offender's Goods, rendering the Overplus (if any) to the Owners, and to pay the said Fine to the Informer or Informers.

The second and sixth Sections of the Articles of War against Mutiny and Desertion to be read to the Persons so delivered, &c.

Justices to certify that such Persons are adjudged to serve his Majesty, &c.;

which Certificate, together with such Men, shall be delivered to the proper Officers, and they shall be thereupon deemed to be inlisted.

An Entry to be made of the Names, Ages, and Places of Abode, &c. of the Men so delivered, and of the Names of the Officers who received them, &c.

XVI. And be it further enacted by the Authority aforesaid, That the Justices, upon such Conviction as aforesaid, and Delivery of such Persons to such Officer or Officers receiving such Persons as aforesaid, shall cause the second and sixth Sections of the Articles of War against Mutiny and Desertion to be read to the Person so to be delivered as aforesaid, in the Presence of the said Justices; and the said Justices shall tender to every such Person the Oath mentioned in the third Section of the Articles of War; and the said Justices shall, and they are hereby required forthwith to certify under their Hands, that such Person or Persons is or are ordered and adjudged to serve his Majesty, setting forth the Name, Age, Parish, and last Place of Abode, of him or them respectively, if known, and that the second and sixth Sections of the Articles of War against Mutiny and Desertion were read to him or them, and that he or they had taken the Oath mentioned in the said Articles of War, or had refused to take the said Oath; and shall deliver such Certificate, together with such Man or Men, to the said Officers or Persons appointed to receive them, and such Man or Men shall thereupon be deemed and taken to be inlisted, to all Intents and Purposes whatsoever, and shall and may be proceeded against as if he or they had taken the said Oath according to the said Articles of War; and the said Justices shall also forthwith cause an Entry or Memorial to be made, in a Book or Books to be kept by them, or by the Clerks of the Peace of the County or Place, for that Purpose, of the Names of the Men so delivered as aforesaid, the Ages, Parishes, and Places of their last Abode, if they can be known, and of the Time and Place when and where such Men were delivered to the said Officers or Persons appointed to receive them, and the Names of the Officers or Persons who received them, and for what Regiment or Company, or Ship they were so received; and shall cause true Copies or Duplicates of such Entries, attested by the said Justices, or the Clerk of the Peace, within forty Days after the delivering such Men as aforesaid, to be transmitted into the Office of the Secretary at War, or into the Office of the Commissioners for executing the Office of Lord High Admiral.

Persons adjudged to serve his Majesty by Virtue of this Act, (unless disabled by Accident, &c.) shall not be discharged within five Years, nor suffered to avoid actual Service.

Officers offending herein to be cashiered.

XVII. And, for the more effectually preventing any Frauds or Abuses that may be practised in the discharging of such Persons, be it further enacted by the Authority aforesaid, That no Person who shall be ordered and adjudged to serve his Majesty as a Soldier or as a Sailor, by Virtue of this Act, and shall have been approved of as aforesaid, shall, on any Account, during the Term of five Years, unless disabled within that Time by unavoidable Accident or bodily Infirmity, be discharged from his Majesty's Service; and any Officer of his Majesty's Land Forces, Marines, or Sea Service, who shall presume, knowingly and wilfully, to discharge any Person so raised, levied, and delivered over, as aforesaid, contrary to this Act, or shall, by false Muster or Certificate, or in Consideration of a Gratuity of any Kind, or by any other collusive or evasive Ways or Means whatsoever, suffer or permit any such Person to avoid the actual Service hereby intended, every such Officer shall, for such Offence, be cashiered.

Every Druggist, Grocer, or other Person, who shall sell Coffee, Tea, or Cocoa Nuts, or make or sell Chocolate, shall cause to be painted over the Door of his Shop, &c. the words Dealer in Coffee, Tea, &c. on Penalty of 200l.:

XVIII. And, for the better preventing the clandestine Sale and Disposal of Coffee, Tea, Cocoa-nuts, Chocolate, foreign Brandy, or other foreign spirituous Liquors, whereby the illegal Importation and Running of such Goods is greatly encouraged, and that innocent Persons may not unwarily be rendered liable to Penalties, be it further enacted by the Authority aforesaid, That, from and after the first Day of *August*, one thousand seven hundred and seventy-nine, every Druggist, Grocer, Chandler, Coffee-house Keeper, Chocolate-house Keeper, and all and every other Person or Persons, who shall be a Seller of, or Dealer in, Coffee, Tea, Cocoa-nuts, or

or of any or either of them, or shall be a Maker or Seller of Chocolate, shall cause to be painted or written in large legible Characters over the Door of each and every Shop, Coffee-house, Chocolate-house, and other Place, by him, her, or them respectively made use of for the keeping, Coffee, Tea, Cocoa-nuts, or Chocolate, the words *Dealer in Coffee, Tea, Cocoa-nuts*, or *Chocolate*, as the Case may be, upon Pain of forfeiting the Sum of two hundred Pounds for every Shop, Coffee-house, Chocolate-house, or Place, which, from and after the said first Day of *August*, one thousand seven hundred and seventy-nine, shall be so made use of by any such Druggist, Grocer, Chandler, Coffee-house Keeper, Chocolate-house Keeper, or any other Person or Persons, who shall be a Seller or Dealer as aforesaid respectively, without having the said Words painted or written thereon as aforesaid: And that, from and after the said first Day of *August*, one thousand seven hundred and seventy-nine, all and every Importer for Sale, or Dealer in foreign Brandy, Arrack, Rum, Spirits, or other foreign strong Waters, who shall sell the same, either by Wholesale or Retail, shall cause to be painted or written in large legible Characters, over the outer Door, or in the Front, or on some conspicuous Part of each and every House, Shop, Warehouse, Storehouse, Cellar, Vault, and other Places by him, her, or them respectively, made use of for the keeping of foreign Brandy, or other foreign spirituous Liquors, the words *Importer of*, or *Dealer in, foreign spirituous Liquors*, upon Pain of forfeiting, for every such Shop, Warehouse, Storehouse, Cellar, Vault, or other Place, which, from and after the said first Day of *August*, one thousand seven hundred and seventy-nine, shall be so made use of by any such Importer, Seller, or Dealer respectively, without having the said Words painted or written as is hereby directed, the Sum of fifty Pounds.

And every Importer, or Dealer in foreign spirituous Liquors, shall cause certain Words to be painted over the outer Door, or in the Front of his House, on Penalty of 50*l*.

XIX. And be it further enacted by the Authority aforesaid, That if any Dealer or Dealers in Tea, Coffee, Cocoa-nuts, or Chocolate, shall buy, or procure or employ any Person to buy for him, her, or them, or for his, her, or their Use, any Tea, Coffee, Cocoa-nuts, or Chocolate, of any other Person or Persons than of a Dealer in such Commodities, over the Door of whose Shop, Coffee-house, Chocolate-house, and other Place by him, her, or them respectively, made use of for the keeping of Coffee, Tea, Cocoa-nuts, or Chocolate, shall be painted or written, as aforesaid, the words *Dealer in Coffee, Tea, Cocoa-nuts*, or *Chocolate*, as the Case shall be, every such Dealer so offending shall forfeit and lose, for every such Offence, the Sum of one hundred Pounds, over and above all former Penalties; and if any Importer or Dealer in foreign spirituous Liquors shall buy, or procure or employ any Person to buy for him, her, or them, or for his, her, or their Use, any foreign spirituous Liquors of any other Person than of an Importer or Dealer, over the Door of whose Shop, Warehouse, Storehouse, Cellar, Vault, and other Place, by him, her, or them respectively, made use of for the keeping of foreign Brandy, and other foreign spirituous Liquors, shall be written or painted, as aforesaid, the words *Importer of*, or *Dealer in, foreign spirituous Liquors*; every such Importer or Dealer so offending, shall forfeit, for every such Offence, the Sum of one hundred Pounds, over and above all former Penalties.

Additional Penalty of 100*l*. on every Dealer who shall buy Goods or Liquors of any Person not having the Words aforesaid painted, &c.

XX. Provided always, That no such Dealer in Coffee, Tea, Cocoa-nuts, or Chocolate, shall be subject to the said Penalties of one hundred Pounds for or by Reason of any Purchase or Transfer of any Tea, Coffee, or Cocoa-nuts, whilst the same shall remain in the respective Warehouses wherein the same shall be lodged and put, according to the Directions of an Act, made in the tenth Year of the Reign of his late Majesty King *George* the First; nor by Reason of any Purchase of any Tea, Coffee, or Cocoa-nuts, or Chocolate, at any Sale or Sales made by the Direction of the *East-India* Company, or of the Commissioners of Customs or Excise respectively; or at any Sale made of any Tea, Coffee, or Cocoa-nuts, sold for the Benefit of the Insurers or Proprietors thereof, and which may be sold free of Duty to defray the Charges of Salvage; nor by Reason of any first Purchase of any prize Teas: Nor shall any such Dealer in foreign spirituous Liquors be subject to the said Penalty of one hundred Pounds by Reason of the Purchase of any foreign spirituous Liquors, whilst the same remain on Board the Ships in which the same were lawfully imported, or on the Quays upon which they shall have been lawfully landed; nor to the Purchase of any Rum whilst the same remains in any Warehouse wherein the same shall have been put, according to the Directions of the Act of the fifteenth and sixteenth Years of the Reign of his late Majesty King *George* the Second; nor to the Purchase of any Arrack whilst the same remains in the Warehouses of the United Company of Merchants of *England* trading to the *East-Indies*; nor to the Purchase of any Prize foreign spirituous Liquors; nor to the Purchase of any foreign spirituous Liquors sold for the Benefit of the Insurers or Proprietors thereof, and which may be sold free of Duty to defray the Charges of Salvage; any Thing herein-before contained to the contrary notwithstanding.

Certain Cases in which Dealers shall not be subject to the said Penalty of 100*l*.

XXI. And be it further enacted by the Authority aforesaid, That if, at any Time after the said first Day of *August*, one thousand seven hundred and seventy-nine, any Person or Persons whatsoever, other than such as shall have duly made Entry, at the proper Offices of Excise, of the Places by them respectively made use of for keeping of Coffee, Tea, Cocoa-nuts, or Chocolate, or for the keeping of foreign Brandy, or foreign spirituous Liquors, shall paint or write, or cause to be painted or written, over the Door or in the Front of any Place to them respectively belonging, the words *Dealer in Coffee, Tea, Cocoa-nuts*, or *Chocolate*, as the Case shall be, or the words *Importer of*, or *Dealer in, spirituous Liquors*, every Person and Persons respectively offending therein, shall forfeit and lose the Sum of fifty Pounds, and shall also be subject to the several Penalties and Forfeitures to which Persons selling of, or dealing in, Coffee, Tea, Cocoa-nuts, Chocolate, or foreign spirituous Liquors, without Entry, are now subject unto.

Penalty on Persons, not having made proper Entries, who shall paint over their Doors, &c.

XXII. And be it further enacted by the Authority aforesaid, That if any Person whatsoever, not being such Importer or Dealer as aforesaid, shall buy or procure, or employ any other to buy for him or her, any Tea, Coffee, Cocoa-nuts, Chocolate, foreign Brandy, or any other foreign spirituous Liquors (save and except at such Sales, and in such Manner as is herein-before provided and excepted) of any other Person or Persons than of such Person or Persons respectively over whose Door, or in the Front, or on some conspicuous Part of whose House, Shop, Warehouse, Storehouse, Cellar, Vault, or other Place, such Words shall be painted or written as aforesaid; every such Person so buying, or so procuring or employing any other to buy for him, her, or them, any such Goods as aforesaid, shall, for each Offence, forfeit and lose the Sum of ten Pounds; and if the Person or Persons, who shall have sold any Tea, Coffee, Cocoa-nuts, or Chocolate, foreign Brandy, or other foreign spirituous Liquors, to any Dealer therein, or to any other Person or Persons, contrary to the true Intent and Meaning of this Act, shall, within twenty Days, next after such Sale, and before any Information has been lodged against him or them for such Offence, discover and inform against the Person or Persons who bought, or who procured or employed any other to buy for him, her, or them, such Tea, Coffee, Cocoa-nuts, or Chocolate, foreign Brandy, or other foreign spirituous Liquors, as aforesaid, every such Person so discovering and informing shall thereupon be discharged and indemnified from all Penalties to which, at the Time of such Information given, he might be liable, for or by Reason of such his own Offence.

If any Person, not being Importer or Dealer, shall buy any Tea, &c. (except as before excepted), of any Person not having the afore-mentioned Words painted, &c. he shall forfeit 10*l*.

If the Seller, &c. inform against the Buyer within twenty Days the Seller shall be indemnified.

XXIII. And whereas by an Act, made in the nineteenth Year of the Reign of his late Majesty King *George* the Second, intituled, *An Act for the further Punishment of Persons going armed or disguised in Defiance of the Laws of Customs or Excise; and for indemnifying Offenders against those Laws upon the Terms in this Act mentioned; and for the Relief of Officers of the Customs in Informations upon Seizures*; and which said Act was to continue in Force for the Space of seven Years, and from thence to the End of the next Session of Parliament; and which, by several subsequent Statutes, of the twenty-sixth and thirty-second Years of the Reign of his said late Majesty, and the fourth, eleventh, and eighteenth Years of the Reign of his present Majesty, was further continued until the twenty-ninth Day of *September*, one thousand seven hundred and eighty-five, and from thence to the End of the then next Session of Parliament; Persons charged with being guilty of Offences in the said Act mentioned and prescribed, were required to surrender themselves within a Time limited by the said Act, and that on Neglect or Refusal of Surrender, such Persons were to be adjudged, deemed, and taken to be convicted and attainted of Felony: And whereas Doubts have arisen whether the Methods and Orders in the said Act directed and prescribed, relative to the apprehending and harbouring the Offenders therein mentioned, or for causing such Offenders to surrender, are or were re-enacted and continued by the said several Acts: Now, to put an End to such Doubts, be it enacted and declared by the Authority aforesaid, That all and every the Methods, Orders, Directions, Rules, Proclamations, Penalties, Punishments, Rewards, Matters, and Things, provided, ordered, settled, directed, imposed, given, and required, by the said Act of the nineteenth Year of the Reign of his said late Majesty, relative to the Surrender, proclaiming, apprehending, harbouring, and punishing such Offenders, was, were, and are continued and re-enacted by the said several Acts, made in the twenty-sixth and thirty-second Years of the Reign of his said late Majesty, and in the fourth, eleventh, and eighteenth Years of the Reign of his present Majesty, and the same may be lawfully exercised, practised, applied, used, and imposed, in regard to all and every Person and and Persons that offend, or shall in future offend, against the said Act of the nineteenth Year of his said late Majesty.

Recital of Act 19 Geo. 2. c. 34.

All the Rules, &c. in the recited Act, relative to the Surrender, and harbouring, &c. of the Offenders therein mentioned, are continued by the several Acts made for continuing the said recited Act.

XXIV. And it is hereby further enacted by the Authority aforesaid, That all foreign Thread Lace which, from and after the first Day of *August*, one thousand seven hundred and seventy-nine,

All foreign Thread Lace imported, to be marked.

nine, shall be imported into this Kingdom, shall, after the same hath been entered at the Custom-house, and before it shall be discharged by the Officers, and delivered into the Custody of the Importer, or his Agent, be marked or sealed at each End of every Piece, with such Mark or Seal, and by such Officer or Officers, as the respective Commissioners of the Customs in *Great-Britain* shall direct and appoint for that Purpose.

Persons possessed of foreign Thread Lace, to bring it to the nearest Custom-house, and have it marked, &c.

XXV. And it is hereby further enacted by the Authority aforesaid, That if any Person or Persons, having in his, her, or their Custody or Possession, in any Part of this Kingdom, for Sale, any foreign Thread Lace so directed to be marked or sealed as aforesaid, shall, on or before the first Day of *February*, one thousand seven hundred and eighty, bring or cause such Lace to be brought to the Custom-house for the Port nearest to the Place where such Lace shall be, and shall make Proof on Oath before the Collector and Comptroller, or other principal Officer of the Customs at such Port, (which Oath such Collector and Comptroller, or other Officer, is and are hereby required to administer without Fee or Reward), that the legal Duties due and payable to his Majesty were paid upon the Importation of such Lace, if the same was imported by him, her, or them, or that such Lace was purchased by such Person or Persons (having Possession thereof) in a legal fair Way of Trade, and that he, she, or they, verily believe the legal Duties due and payable to his Majesty have been duly paid for the same, mentioning the Time when, and the Port where, such Lace was imported, or the Time when, and of whom, such Lace was purchased, as the Case may be, such Lace shall be thereupon, without Fee or Reward, marked, or sealed at each End of every Piece with such Mark or Seal, and by such Officer or Officers, as the respective Commissioners of the Customs in *Great-Britain*, or any three or more of them, shall direct and appoint for that Purpose.

Persons intending to export such Lace, to give Notice to the proper Officer, &c.

XXVI. And be it further enacted by the Authority aforesaid, That, from and after the said first Day of *August*, one thousand seven hundred and seventy-nine, every Person intending to export any such foreign Thread Lace which shall have been marked or sealed pursuant to the Directions of this Act, shall, before such Lace is shipped in Order to be exported, give Notice to the proper Officer or Officers, to be appointed for that Purpose by the respective Commissioners of the Customs in *Great-Britain*, when and where he will pack up the same in order to be exported; and the said Commissioners of the Customs are hereby impowered and required to cause such Officer or Officers to take care that such Marks or Seals be taken off from every Piece so intended to be exported, without Fee or Reward: and no Person shall be intitled to the Drawback allowed upon the Exportation of such Lace, unless he shall have given such Notice as herein-before is directed, and until such Marks or Seals shall be taken off by the proper Officer or Officers as aforesaid.

All foreign Thread Lace found in this Kingdom after Feb. 1, 1780, not marked, shall be forfeited.

XXVII. And be it further enacted by the Authority aforesaid, That from and after the first Day of *February*, one thousand seven hundred and eighty, in case any foreign Thread Lace shall be found in any Shop, Warehouse, or other Place whatsoever, upon Land, within this Kingdom, not being marked or sealed, as herein-before is directed, upon both Ends of every whole and entire Piece, or upon one End of every Remnant of such Lace, the same shall be forfeited and lost, and shall and may be seized by any Officer or Officers of the Customs, and shall and may be prosecuted, recovered, and disposed of in the same Manner, and by the same Rules and Regulations, as foreign Thread Lace, clandestinely imported and run into this Kingdom, may be prosecuted, recovered, and disposed of, by any Law now in Force.

Penalty on counterfeiting any Mark or Seal used in Pursuance of this Act, &c.

XXVIII. And be it further enacted by the Authority aforesaid, That if any Person or Persons shall at any Time forge or counterfeit any Mark or Seal, to resemble any Mark or Seal which shall be provided or used in Pursuance of this Act, or shall forge or counterfeit the Impression of any such Mark or Seal upon any Goods required by this Act to be marked or sealed, or shall sell, or expose to Sale, or have in his, her, or their Custody or Possession, any such foreign Thread Lace with a counterfeit Mark or Seal thereon, knowing the same to be counterfeited; all and every such Offender and Offenders, and his, her, and their Aiders, Abettors, and Assistants, shall, for every such Offence, forfeit the Sum of one hundred Pounds, one Moiety to his Majesty, and the other Moiety to such Officer or Officers of the Customs as shall sue and prosecute for the same; and such Offender and Offenders shall also be adjudged to stand in the Pillory, in some public Place, for the Space of two Hours.

Conditions upon which Offenders against the Laws of the Customs and Excise shall be indemnified.

XXIX. And whereas, at the same Time that the Laws for securing the Revenues of Customs and Excise ought to be enforced, for the Sake of the fair Trader, and the Honour and Dignity of Government, it may be proper to pardon such of those who have been heretofore guilty of such illegal Practices, who are desirous to make such Atonement for their past Offences, by dedicating themselves to the Service of their King and Country, be it therefore enacted by the Authority aforesaid,

said, That every Person who, before the first Day of *June*, one thousand seven hundred and seventy-nine, shall have been guilty of illegal running, loading, unshipping, concealing, receiving, or carrying, any Wool, prohibited Goods, Wares, or Merchandizes, or any foreign Goods liable to the Payment of Duties of Customs or Excise, (the same Duties not having been paid or secured), or of aiding or assisting therein, or shall have been armed with Fire-arms, or other Offensive Arms or Weapons, in order to be aiding or assisting any such Offenders as have been guilty of receiving such Goods, Wares, or Merchandizes, or such foreign Goods as aforesaid, where Duties had not been paid for or secured, after Seizure from the Officers of the Customs or Excise, or of any other Act or Matter whatsoever whereby Persons may be deemed and taken to be Runners of foreign Goods and Commodities, within the Intent and Meaning of any Law now in Force; or of hindering, opposing, obstructing, wounding, or beating any Officer or Officers of the Customs or Excise, in the Execution of his or their Office or Duty, or of aiding or assisting therein; shall be, and are, by the Authority of this present Act, acquitted, indemnified, released, and discharged, against the King's Majesty, his Heirs and Successors, or Officers of the Customs or Excise, and every of them, and all and every other Person and Persons, of and from all and every the said Offences, concerning which no Suit or Information, or Prosecution, shall have been commenced, or Composition made or offered, before the said first Day of *June*, one thousand seven hundred and seventy-nine, upon the following Terms and Conditions; (that is to say), That he do, before he shall be arrested for the same, and before the twenty-ninth Day of *September*, one thousand seven hundred and seventy-nine, inlist or enter himself with some Commission Officer of his Majesty's Land Forces or Fleet, to serve as a Soldier or Sailor in the Army or Fleet, and do, for three Years at least, from the Time of such Inlisting or Entry, actually and *bonâ Fide* serve and do Duty as such in the said Army or Fleet; and shall also, before the said twenty-ninth Day of *September*, one thousand seven hundred and seventy-nine, register his Name, Employment, and usual Place of Abode, with the Clerk of the Peace of the County, Riding, or Division, where he resides, in a Book which is hereby directed to be kept, by the said Clerk among the Records of the Sessions for the said County, Riding, or Division, for this Purpose; and shall sign such Register, signifying that he claims the Benefit of this Act, and that he has inlisted or entered himself with a certain Commission Officer, by the Name of his Majesty's Land Forces or Fleet, as the Case shall be, to serve as a Soldier or Sailor, which Entry shall be in the following Form:

Offenders to enter into his Majesty's Service for three Years, &c.

A. B. *of* *claims the Benefit of an Act of the nineteenth Year of his Majesty King* George *the Third, and has entered himself with* C. D. *a Commission Officer of his Majesty's Land Forces* [or Fleet], *and has registered his Name in the Book kept by the Clerk of the Peace of this County, (Riding,* or *Division), this* *Day of* *pursuant to the Directions of the said Act.*

For which Entry or Register there shall be paid the Clerk of the Peace for such County, Riding, or Division, one Shilling and no more; and that the said Clerk of the Peace shall, immediately after the said twenty-ninth Day of *September*, one thousand seven hundred and seventy-nine, transmit to the Commissioners of the Customs and Excise an exact Account of all the Persons who have, by such Entry or Register as aforesaid, intitled themselves to claim the Benefit of this Act.

Penalty on Persons Claiming the Benefit of this Act, who shall afterwards be guilty of the like Offences, or who shall desert, &c.

XXX. Provided always, That every Person who shall make such Entry, and claim the Benefit of this present Act as aforesaid, and shall afterwards be guilty of, or commit any of the like Offences as those herein-before mentioned, or hereby intended to be acquitted, released, and discharged, or shall at any Time after desert from the said Service, or, within the said Term of three Years, procure his Discharge therefrom, shall be subject and liable to be prosecuted, not only for or in Respect of such new Offence, but shall also be subject and liable to all the same Penalties, Pains, and Forfeitures, as he would have incurred or been subject and liable to, in Case this Indemnity had never been given; any Thing herein contained to the contrary notwithstanding.

Penalty on Officers suffering such Persons to avoid actual Service.

XXXI. Provided also, That if any Officer of his Majesty's Land Forces or Navy shall, by false Muster or Certificate, or by any other collusive or evasive Ways or Means whatsoever, suffer or permit such Person or Persons to avoid the actual Service as aforesaid, such Person shall not only lose the Benefit of this Act, but every such Officer shall suffer the Penalty of five hundred Pounds.

Any Justice on Complaint made of any Officer for Neglect of Duty, may examine into the same;

XXXII. And be it further enacted by the Authority aforesaid, That in Case any Officer of the Customs or Excise shall not use his best Endeavours to seize any Tea, Coffee, foreign Brandy, or other foreign spirituous Liquors liable to forfeiture, and which it shall be the Duty of such Officer to seize; or to stop, detain, and carry and convey before one or more Justice or Justices of the Peace, any Person or Persons whom such Officer is hereby authorized to stop, detain, and

carry and convey before one or more Justice or Justices of the Peace; any Person or Persons whom such Officer is hereby authorized to stop, detain, and carry and convey before one or more Justice or Justices of the Peace; that then, and in any of the said Cases, it shall and may be lawful to and for any Justice or Justices of the Peace residing near to the Place where such Officer shall make Default in the Performance of his Duty, upon Complaint thereof made to such Justice within three Months after such Default, to examine into the Truth of such Complaint upon the Oath of credible Persons, which Oath such Justice is hereby authorized to administer; and if it shall appear to such Justice that there is a reasonable Ground for such Complaint, then such Justice is hereby required to transmit the said Complaint, together with the Examinations taken before him thereon, unto the Commissioners of the Customs, if the Officer complained against shall belong to the Customs; and if such Officer shall belong to the Excise, then unto the Commissioners of Excise; which Commissioners of the Customs and Excise respectively, are hereby required to make Enquiry, by such Ways and Means as to them shall seem meet, into the Truth of the said Complaint; and in Case they think fit on the Ground thereof to dismiss the Officer, against whom such Complaint shall be made, from his Majesty's Service, then such Officer is hereby made incapable of executing any Office in his Majesty's Revenue of Customs or Excise for the Future: Provided nevertheless, That no Person shall be compelled to go above five Miles from the usual Place of his Abode to be examined before any Justice of the Peace upon any Complaint to be made to him as aforesaid.

and if there appear reasonable Grounds of Complaint, the Justice shall transmit the Complaint, with the Examination taken before him, to the Commissioners, &c.

XXXIII. And be it further enacted, That no Person who shall be prosecuted or punished by any of the Provisions in this Act, shall be liable to be prosecuted or punished for the same Offence by any other Act or Acts; any Thing therein contained to the contrary notwithstanding.

No Person prosecuted under this Act, liable to any other Prosecution for the same Offence.

XXXIV. And be it further enacted by the Authority aforesaid, That all Fines, Penalties, and Forfeitures, imposed by this Act, (not otherwise hereby directed), shall be sued for, levied, and recovered, or mitigated, by such Ways, Means, or Methods, as any Fine, Penalty, or Forfeiture, is or may be recovered or mitigated by any Law or Laws of Excise, or by Action of Debt, Bill, Plaint, or Information, in any of his Majesty's Courts of Record at *Westminster*, or in the Court of Exchequer in *Scotland*; and that one Moiety of every such Fine, Penalty, and Forfeiture, shall be to his Majesty, his Heirs and Successors, and the other Moiety to him or them who shall inform, sue for, or discover the same.

Penalties and Forfeitures how to be recovered and applied.

XXXV. And it is hereby further enacted by the Authority aforesaid, That if any Person or Persons shall at any Time or Times be sued or prosecuted for any Thing by him or them done or executed in Pursuance of, or by Colour of this Act, or of any Matter or Thing in this Act contained, such Action or Prosecution shall be commenced within the Space of three Months after the Offence shall be committed; and such Person or Persons shall and may plead the general Issue, and give this Act and the special Matter in Evidence, for his and their Defence, and that the same was done in Pursuance and by Authority of the said Act: And if it shall appear so to have been done, then the Jury shall find for the Defendant or Defendants; and if the Plaintiff shall be nonsuited, or discontinue his Action after the Defendant or Defendants have appeared, or if Judgment shall be given upon any Verdict or Demurrer against the Plaintiff, the Defendant or Defendants shall and may recover treble Costs, and have the like Remedy for the same, as the Defendant or Defendants hath or have in other Cases by Law.

Limitations of Actions.

General Issue.

Treble Costs.

20 GEORGII III. Cap. IX.

An Act for extending the Provisions of Two Acts, made in the eighteenth Year of His present Majesty's Reign, and in the last Session of Parliament, with Respect to bringing Prize Goods into this Kingdom, to Spanish *Prize Goods; and for repealing so much of the said last-mentioned Act as relates to the Certificates for Prize Tea and* East-India *Goods exported from this Kingdom to* Ireland; *for the Removal of* East-India *Goods condemned as Prize at any Out-port to* London *for Sale, and of Prize Goods for Exportation; and for reducing the Duty on Foreign Prize Tobacco.*

[So much thereof as relates to the *East-India Company*.]

East-India Goods condemned as Prize in any Out-port, shall be brought to *London* for Sale.

IV. AND whereas Goods of the Growth, Product or Manufacture of the *East-Indies* taken as Prize, have been and may, during the present Hostilities with *France* or *Spain*, be carried into some of the Out-ports of this Kingdom and condemned; and from the Inexperience of the Officers

Officers of the Customs at such Ports, Difficulties have arisen in computing and charging the Duties thereon: For Remedy whereof, be it further enacted by the Authority aforesaid, That in all Cases where such Goods shall be carried into any Out-port in this Kingdom, and condemned as Prize, Bond, with sufficient Security shall be given to his Majesty, in treble the Value of such Goods, that the same shall be brought to *London*, and delivered to his Majesty's Warehouse-keeper at the Custom-house for the Port of *London*, to be deposited by him in Warehouses provided at the Expense of the Captors or their Agents, and approved of by the Commissioners of the Customs, or any four or more of them: and with further Condition to produce a Certificate from such Warehouse-keeper, within three Months from the Date of such Bond, that the Goods have been delivered accordingly; which Security the Collector and Comptroller, or other principal Officer of the Customs, at the Port from whence such Goods are to be removed, are hereby authorised and impowered to take, and to cancel and discharge such Bond upon receiving the Certificate from the Warehouse-keeper, as herein-before directed; and if such Goods shall be sent by Land-carriage, they shall be removed under the Seals of Office of such Collector and Comptroller, or principal Officer of the Customs, and shall be accompanied with a *Transire* expressing the Number and Marks of the Packages; and all such Goods so removed, either by Land or Water, shall afterwards be publicly exposed to Sale in the City of *London*, by the Captors or their Agents, they giving Notice of such Sale to the proper Officer of the Customs and Excise appointed or to be appointed for that Purpose; and the Duties due and payable for such Goods shall be thereupon computed and charged by the proper Officers of the Customs or Excise respectively concerned therein, by the same Rules, Regulations, and Restrictions, in all Respects (excepting any Allowance for Warehouse-rent) as the Duties payable upon the like Goods imported by, and sold at the Sales of, the United Company of Merchants of *England* trading to the *East-Indies*, are computed and charged; and the Duties due by Law thereon shall be accordingly paid and applied; any Custom or Usage to the contrary notwithstanding.

Extended to Prize Teas brought into and condemned in Britain, 21 Geo. 3. c. 5. and 22 Geo. 3. c. 21.

How the Duties thereon shall be computed.

20 GEORGII III. Cap. XIX.

An Act to continue several Laws relating to the better securing the lawful Trade of His Majesty's Subjects to and from the East-Indies, *and for the more effectual preventing all His Majesty's Subjects trading thither under Foreign Commissions; to the importing Salt from* Europe *into the Province of* Quebec *in* America; *to the permitting the free Importation of Raw Goat Skins into this Kingdom; to the allowing the Exportation of certain Quantities of Wheat, and other Articles, to his Majesty's Sugar Colonies in* America; *and to the permitting the Exportation of Tobacco-pipe Clay from this Kingdom to the* British *Sugar Colonies or Plantations in the* West-Indies.

Preamble.

WHEREAS the Laws herein-after mentioned have by Experience been found useful and beneficial, and are near expiring; may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That an Act, made in the fifth Year of the Reign of his late Majesty King *George* the Second, intituled, *An Act for reviving an Act, made in the fifth Year of the Reign of his late Majesty King* George *the First, intituled, 'An Act for the better securing the lawful 'Trade of his Majesty's Subjects to and from the* East-Indies, *and for the more effectual preventing 'all his Majesty's Subjects trading thither under foreign Commissions;'* which was to continue in Force from the first Day of *May*, one thousand seven hundred and thirty-two, for the Term of seven Years, and from thence to the End of the then next Session of Parliament; and which was by two Acts, made in the thirteenth and twentieth Years of the Reign of his late Majesty King *George* the Second, further continued until the twenty-fifth Day of *March*, one thousand seven hundred and eighty; shall be and the same is hereby further continued from the Expiration thereof, until the twenty-fifth Day of *March*, one thousand eight hundred, and from thence to the End of the then next Session of Parliament.

5 Geo. 2. c. 29. relating to the Trade to the East-Indies. See 5 Geo. 1. c. 21. 9 Geo. 1. c. 26. 20. Geo. 2. c. 47.

further continued till March 25, 1800, &c.

20 GEORGII III. Cap. XXXV.

An Act for granting to his Majesty additional Duties upon Malt, and upon low Wines and Spirits made for home Consumption, and upon foreign Spirits imported into Great-Britain, *and upon the Produce of the said several Duties; and for granting a Duty on Licences to be taken out by all Persons trading in, vending, or selling of, Coffee, Tea, or Chocolate.*

[So much thereof as relates to the *East-India Company.*]

After July 5. 1780, 5s. to be paid for every License for selling Coffee, Tea, or Chocolate;

XIII. AND, for the more effectual raising the said Supply granted to his said Majesty, be it further enacted by the Authority aforesaid, That, from and after the fifth Day of *July*, one thousand seven hundred and eighty, there shall be paid unto his Majesty, his Heirs and Successors, a Duty of five Shillings for any License to be taken out, in Manner herein-after mentioned, by each Person trading in, selling, or vending, Coffee, Tea, or Chocolate, or either of them.

and no Person to sell any of the said Goods without having taken out such License.

XIV. And be it further enacted by the Authority aforesaid, That, from and after the fifth Day of *July*, one thousand seven hundred and eighty, no Person or Persons whatsoever, who now, or at any Time or Times hereafter, doth or shall trade in, sell or vend, any Coffee, Tea, or Chocolate, shall presume, by him, her, or themselves, or by any other Person or Persons whatsoever, employed by him, her, or them, for his, her, or their Benefit, either publicly or privately, to trade in, sell, or vend any Coffee, Tea, or Chocolate, or either of them, without first taking out a License for that Purpose in Manner herein-after mentioned, before he, she, or they shall trade in, sell, or vend, any Coffee, Tea, or Chocolate; for which License he, she, or they, shall, immediately upon taking out thereof, pay down for the same the Sum of five Shillings, in Manner following; that is to say, if such License be taken out within the Limits of the Chief Office of Excise in *London*, then such License shall be granted under the Hands and Seals of two or more of his Majesty's Commissioners for the Duties of Excise for the Time being, or of such Person or Persons as the Commissioners of Excise shall from Time to Time appoint for that Purpose, and the Duty for the same shall be paid at the Chief Office of Excise in *London*; but if such Licenses shall be taken out in any Part of *England* or *Wales* not within the said Limits, then such Licenses to be granted under the Hands and Seals of the several Collectors and Supervisors of Excise, within their respective Collections and Districts; and the said Duty of five Shillings shall be paid for the same to the Collector of Excise within whose Collection such License shall be so granted: And in Case such License shall be taken out within the Limits of the City of *Edinburgh*, such License shall be granted under the Hands and Seals of two or more of his Majesty's Commissioners of Excise in *Scotland* for the Time being, or of such Person or Persons as the Commissioners of Excise in *Scotland* shall from Time to Time appoint for that Purpose, and the Duties for the same shall be paid at the Chief Office of Excise in *Edinburgh*; but if such License shall be taken out in any other Part of *Scotland*, without the Limits aforesaid, then such Licenses shall be granted under the Hands and Seals of the several Collectors and Supervisors of Excise within their respective Collections and Districts, and the Duties for the same shall be paid to the Collectors of Excise within whose Collection such License shall be so granted; and such respective Commissioners of Excise, and the Persons so to be appointed by them respectively, and also all such Collectors, are hereby respectively authorized and required to grant and deliver such Licenses to the Persons who shall apply for the same, upon their Payment of five Shillings for each License.

Who shall grant such Licenses in England;

and who in Scotland.

How Licenses are to be renewed.

XV. And be it further enacted by the Authority aforesaid, That every Person or Persons who shall take out any such License as aforesaid, is and are hereby required to take out a fresh License ten Days at least before the Expiration of twelve Calendar Months after taking out the first License, before he, she, or they do presume to trade in, sell, or vend, any Coffee, Tea, or Chocolate; and in the same Manner to renew every such License from Year to Year, paying down the like Sum of five Shillings for each and every new or renewed License, in Manner, and at the Places and Times before-mentioned: And if any Person or Persons shall, after the said fifth Day of *July*, one thousand seven hundred and eighty, presume or offer to trade in, sell, or vend, any Coffee, Tea, or Chocolate, without first taking out such License, and renewing the same yearly, in Manner aforesaid, he, she, or they, shall respectively forfeit and lose the Sum of twenty Pounds for each Offence.

Penalty on selling Coffee, &c. without a License.

XVI. Pro-

Persons in Partnership not obliged to take out more than one License for carrying on trade in one House, &c.

XVI. Provided always, That Persons in Partnership, and carrying on their Trade or Business of selling or vending Coffee, Tea, or Chocolate, in one House or Shop only, shall not be obliged to take out more than one License in any one Year, for carrying on such Trade; and that no License which shall be granted by Virtue of this Act, shall authorise or empower any Person or Persons, to whom the same shall be granted, to trade in, sell, or vend, any Coffee, Tea, or Chocolate, in any other House or Place, except in such Houses, or Places thereto belonging, wherein he, she, and they shall inhabit and dwell at the Time of granting such License.

The Duties on Licenses to be under the Management of the Commissioners of Excise in England and Scotland respectively;

and to be paid into the Exchequer apart from all other Duties.

XVII. And, for the better collecting, raising, levying, and securing, the Duties by this Act imposed on Licenses for dealing in, vending and selling, Coffee, Tea, or Chocolate; be it further enacted by the Authority aforesaid, That such of the said Duties as are charged upon such Licenses in *England*, *Wales*, or the Town of *Berwick upon Tweed*, shall be under the Management of the Commissioners and Officers of his Majesty's Revenue of Excise in *England* for the Time being; and such of the said Duties as are charged upon such Licenses in *Scotland*, shall be under the Management of the Commissioners and Officers of Excise in *Scotland* for the Time being; which said several and respective Commissioners of Excise, or the major Part of them, shall be his Majesty's Commissioners for granting such Licenses; and the said respective Commissioners of Excise, or the major Part of them, have hereby Power, by Commission under their respective Hands and Seals, to constitute and appoint under them such Officers as shall be necessary in that Behalf; and all Monies arising by the said Licenses (the necessary Charges of raising and accounting for the same excepted), shall, from Time to Time, be paid into the Receipt of his Majesty's Exchequer, distinctly and apart from all other Branches of the public Revenues, subject and liable to the Uses and Purposes herein-after mentioned.

20 GEORGII III. Cap LVI.

An Act for continuing in the Possession of the United Company of Merchants of England *trading to the* East-Indies, *for a further Time, and under certain Conditions, the territorial Acquisitions and Revenues lately obtained in the* East-Indies; *and for reviving, and continuing for a further Time, so much of an Act, made in the thirteenth Year of the Reign of his present Majesty, (intituled,* An Act for establishing certain Regulations for the better Management of the Affairs of the *East-India* Company, as well in *India* as in *Europe*), *as hath expired in the Course of the present Year; and for indemnifying the said Company for any Money they have paid, or may pay, in or about the building of three Ships of the Line for the Service of the Public.*

Preamble.

Recital of 13 Geo. 3. c. 64.

WHEREAS by an Act, passed in the thirteenth Year of the Reign of his present Majesty, (intituled, *An Act for granting to his Majesty a Sum of Money, to be raised by Exchequer Bills, and to be advanced and applied, in the Manner, and upon the Terms, therein mentioned, for the Relief of the United Company of Merchants of* England *trading to the* East-Indies), it was directed, That the Commissioners of his Majesty's Treasury, or the Lord High Treasurer for the Time being, should cause to be prepared and made any Number of Exchequer Bills, not exceeding in the Whole the Amount of one million four hundred thousand Pounds, to be lent, advanced, and issued, as in the said Act was directed, for the Relief of the United Company of Merchants of *England* tradiug to the *East-Indies*: And whereas by the said Act it was declared, That in the then Circumstances of the *East-India* Company, it would not be in their Power to provide for the Repayment of the Loan aforesaid, and for establishing their Affairs upon a more secure Foundation for the Time to come, unless the Public should agree to forego, for the then present Time, all Participation in the Profits arising from the territorial Acquisitions and Revenues lately obtained in the *East-Indies*; and therefore it was by the said Act enacted, That, until the aforesaid Sum of one million four hundred thousand Pounds should be repaid, and the Bond Debt of the Company be reduced to the Sum of one million five hundred thousand Pounds, the Whole clear Profits arising from the aforesaid territorial Acquisitions and Revenues, after defraying the Charges and Expenses attending the same, together with all the clear Revenue and Profits of the said Company, after providing for the current Payments of Interest, and other Outgoings, Charges, and Expenses, of the said Company, should, from Time to Time, be disposed of and applied in the Manner as in the said Act was directed; that is to say, Until

the

the aforesaid Sum of one million four hundred thousand Pounds should be repaid, and so long a the said Sum, or any Part thereof, should remain unpaid, there should, in the first Place, be set apart and applied, out of the said clear Revenues and Profits, such a Sum as might be sufficient for answering a Dividend to the Proprietors of the Stock of the said Company, not exceeding the Rate of six Pounds *per Centum per Annum* upon the capital Stock of the said Company; and all the Surplus of the said clear Revenues and Profits should be applied in Diminution of the said Sum of one Million four hundred thousand Pounds, or such Part thereof as should be remaining unpaid, and for defraying the Charges incurred in Respect thereof; and after the Repayment of the Whole of the Money so advanced and applied as aforesaid, and until the Bond Debt of the said Company should be reduced to the Sum of one million five hundred thousand Pounds, there should in like Manner be set apart and applied, in the first Place, out of the said clear Revenues and Profits, such Sum as might be sufficient for answering a Dividend not exceeding the Rate of seven Pounds *per Centum per Annum*, upon the capital Stock of the said Company; after which all the Surplus of the said clear Revenues and Profits should be applied in reducing the Bond Debt of the said Company: And whereas the said Sum of one million four hundred thousand Pounds has been repaid and fully discharged, and all the Charges incurred in Respect thereof have been defrayed, and the Bond Debt of the said Company has been reduced to, or under, the Sum of one million five hundred thousand Pounds, whereby the Circumstances, in Consideration whereof it was in the aforesaid Act declared, that the Public should agree to forego, for the then present Time, all Participation in the Profit arising from the territorial Acquisitions and Revenues lately obtained in the *East-Indies*, have ceased and are determined; but whereas, notwithstanding, it may be expedient that the aforesaid territorial Acquisitions and Revenues should, for a limited Time, and under certain Conditions and Restrictions, remain in the Possession of the United Company of Merchants of *England* trading to the *East-Indies*: May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the territorial Acquisitions and Revenues lately obtained in the *East-Indies*, shall remain in the Possession of the United Company of Merchants of *England* trading to the *East-Indies*, and their Successors, for and during the Term of one Year, to be computed from the fifth Day of *April*, in the Year of our Lord one thousand seven hundred and eighty.

The Loan of 1773 repaid by the Company to the Public, and the Bond Debt reduced to 1,500,000l.

All the territorial Acquisitions and Revenues, lately obtained in the East-Indies, to remain in Possession of the Company till April 5, 1781.

II. *Provided always, and be it further enacted by the Authority aforesaid, That, for and during the said Term, the whole clear Profits arising from the said territorial Acquisitions and Revenues, after defraying the Charges and Expenses attending the same, together with all the clear Revenues and Profits of the said Company, after providing for the current Payments of Interest, and other Outgoings, Charges, and Expenses, of the said Company, shall be disposed of and applied in Manner following; (that is to say), It shall and may be lawful, out of the said clear Revenues and Profits, to set apart and apply, in the first Place, such Sum as may be sufficient for answering a Dividend to the Proprietors of the Stock of the said Company, not exceeding the Rate of eight Pounds* per Centum per Annum, *upon the capital Stock of the said Company; after which the whole Surplus of the said clear Revenues and Profits shall be reserved and await any future Agreement that may be made between the Public and the said Company.*

No Dividend to be made by the Company, before April 5, 1781, of more than eight per Centum per Annum.

The Company are to cause to be made up half-yearly, during the Continuance of this Act, an Account of the Profit and Loss upon their Trade, &c. which shall be transmitted to the Commissioners of the Treasury.

III. *And be it further enacted by the Authority aforesaid, That during the Continuance of this Act, the said United Company do cause, and they are hereby directed and required to cause, to be made up half-yearly, with as much Accuracy as the Nature of the Case will admit, a Statement or Account of the Profit and Loss upon the Whole of the Trade and Revenues of the said Company, together with a State of the Debts of the said Company in* England, *exclusive of their Bond Debt, to the first Day of* September, *and the first Day of* March; *the first of such Statements or Accounts to be made up from the first Day of* March *to the first Day of* September, *one thousand seven hundred and eighty; and to transmit such Statement or Account fairly written, and signed by two or more of the Directors of the said United Company, within twenty-one Days after the Day to which such Statement or Account shall be made up respectively, to the Commissioners of his Majesty's Treasury, or the High Treasurer for the Time being.*

The Company restricted from accepting Bills above a certain Sum drawn on them by their Officers, &c. in the East-Indies, *See* 13 *Geo.* 3. *c.* 34. *sect.* 16. 19 *Geo.* 3. *c.* 61. *sect.* 4. 21 *Geo.* 3. *c.* 65. *sect.* 26. *and* 24 *Geo.* 3. *c.* 34. *sect.* 1. *&* 2.

IV. And be it enacted by the Authority aforesaid, That during the Continuance of this Act, it shall not be lawful for the said United Company, or their Successors, or any of their Officer or Servants on their Account, to accept or otherwise bind the said Company, or their Successors, for the Payment of any Bill or Bills of Exchange, drawn by any of their Officers or Servants, at any of their Presidencies in the *East-Indies*, for any Sum exceeding the Sum of three hundred thousand Pounds, exclusive of Certificates, to the Amount of eight thousand Pounds, to the Commanders and Officers of each of the Company's Ships, without the Consent and Order first had and obtained of the Commissioners of his Majesty's Treasurer for the Time being, or any three or more

of them, or of the High Treasurer for the Time being; who are hereby respectively authorized to give such Consent, or to make such Order thereon, as they shall judge expedient: and every Acceptance or Engagement made contrary to the true Meaning and Intent of this Act, shall be null and void to all Intents and Purposes.

without the Consent of the Commissioners of the Treasury.

V. And whereas by another Act, passed in the same Session of Parliament, (intituled, *An Act for establishing certain Regulations for the better Management of the Affairs of the* East-India *Company, as well in* India *as in* Europe), it was, among other Things, enacted, That for the Government of the Presidency of *Fort William* in *Bengal*, there should be appointed a Governor-General and four Councellors, and that the whole Civil and Military Government of the said Presidency, and also the Ordering, Management and Government, of all the territorial Acquisitions and Revenues in the Kingdoms of *Bengal*, *Bahar*, and *Orissa*, should, during such Time as the territorial Acquisitions and Revenues should remain in the Possession of the said United Company, be vested in the said Governor-General and Council of the said Presidency of *Fort William* in *Bengal*; and also that the Governor-General, and four first Counsellors, appointed by the said Act, should each of them hold and continue in his and their respective Offices for and during the Term of five Years from the Time of their Arrival at *Fort William* in *Bengal*, and taking upon them the Government of the said Presidency, and should not be removeable in the mean Time, except by his Majesty, his Heirs and Successors, upon Representation made by the Court of Directors for the said United Company for the Time being: And whereas it may be expedient that the said Regulation should be revived, and extended to the Person and Persons who, at the Time of passing this Act, shall have and enjoy the respective Offices of Governor-General and Counsellors of the said Presidency: be it therefore enacted by the Authority aforesaid, That the Person and Persons who, at the Time of passing this Act, shall have and enjoy the Office and Offices of Governor-General, and Counsellors of the said Presidency; shall hold and continue in his and their respective Offices for and during the Continuance of this Act, and shall not be removeable in the mean Time, except by his Majesty, his Heirs and Successors, upon Representation made by the Court of Directors for the said United Company for the Time being; and shall have and enjoy all and singular the Powers and Authorities vested by the said Act in the first Governor-General and four first Counsellors by the said Act appointed, and shall be subject to the said Restrictions and Limitations as by the said Act the first Governor-General and first four Counsellors were made subject; and that in Case of the Avoidance of the Offices of such Governor-General, or any of the said Counsellors, such Office shall be respectively supplied in the same Manner as the same Office would by the said Act have been supplied, during the Remainder of the Term of five Years which was computed from the Time that the first Governor-General and four first Counsellors took upon them the Government of the said Presidency.

Recital of 53 *Geo* 3. c. 63.

The Governor-General and Councellors of the Presidency of Fort-William shall continue in their Offices during the continuance of this Act, except they should be removed by his Majesty, &c. *See* 21. *Geo.* 3. *c.* 65. *sect.* 35. 24 *Geo.* 3. *c.* 25. 26 *Geo.* 3. *c.* 16 *&* 25.

Vacancies to be supplied by the Directors.

VI. Provided always nevertheless, and be it enacted, That nothing in this Act contained shall extend, or be construed to extend, to affect the Rights of the Crown, or of the said Company, after the Expiration of this Act; but that the same shall remain, continue, and be, in the same State and Condition, in all Respects, as though this Act had never been made.

This Act not to affect the Rights of the Crown, or of the Company, after the Expiration thereof.

VII. And whereas the United Company of Merchants of *England* trading to the *East-Indies*, have resolved to build three Ships of the Line of Battle for the Use of the Public, and great Progress hath been made in building the said Ships, the Expenses whereof will amount to a very considerable Sum of Money: And whereas by an Act, made in the last Session of Parliament, (intituled, *An Act for continuing in the Possession of the United Company of Merchants of* England *trading to the* East-Indies, *for a limited Time, and under certain Conditions, the territorial Acquisitions and Revenues lately obtained in the* East-Indies; *and for continuing, for a limited Time, so much of an Act, made in the thirteenth Year of the Reign of his present Majesty, intituled, "An "Act for establishing certain Regulations for the better Management of the Affairs of the* East-India "*Company, as well in* India *as in* Europe," *as will expire in the Course of the present Year)*, the said United Company are restrained from disposing of the Revenues and Profits of the said Company, otherwise than in the said Act is particularly mentioned; and it is necessary that the said United Company should be indemnified with Respect to any Sum or Sums of Money which they have already paid, or may hereafter pay, on Account of building the said Ships: Be it therefore enacted by the Authority aforesaid, That the said United Company shall be, and they are hereby fully indemnified, exonerated, and discharged, for and upon Account of all such Sum and Sums of Money as they already have paid, or may hereafter pay, for any Expenses incurred, or to be incurred, in building the said three Ships for the Use of the Public; any Thing herein-before, or in any other Law or Statute, contained to the contrary thereof in any wise notwithstanding.

The Company indemnified for all Sums of Money they have paid, or shall pay, for Building three Ships for the Use of the Public.

VIII. And be it further enacted by the Authority aforesaid, That this Act shall be deemed and taken to be a Public Act; of which Notice shall be judicially taken by all Judges, Justices, and all other Persons whatsoever, without specially pleading the same.

Public Act.

21 GEORGII III. Cap. V.

An Act for extending the Provisions of three Acts, made in the eighteenth, nineteenth, and twentieth, Years of his present Majesty's Reign, with Respect to bringing Prize Goods into this Kingdom, to Prizes taken from the States-General of the United Provinces; *for declaring what Goods shall be deemed Military or Ship Stores; for regulating the Sale of and ascertaining the Duties upon* East-India *Goods condemned as Prize in the Port of* London; *for permitting the Purchasers of Prize Goods condemned Abroad to import such Goods into this Kingdom, under the like Regulations and Advantages as are granted by Law to Captors themselves; and for reducing the Duties on foreign Prize Tobacco.*

[So much thereof as relates to the *East-India Company*.]

Regulations relative to the Sale of, and Payment of the Duties on, East-India Goods condemned as Prize in the Port of London. *By 22 Geo. 3. c. 21 extended to Prize Tea brought and condemned at Home.*

III. AND be it further enacted by the Authority aforesaid, That all Goods, of the Growth, Product, or Manufacture of the *East-Indies*, which have been taken as Prize during the present Hostilities, and brought by the Captors into the Port of *London*, and which now remain there unsold, and all such *East-India* Goods as shall be brought into and condemned as Prize in the Port of *London*, after the passing of this Act, shall be publicly exposed to Sale in the City of *London*, by the Captors or their Agents; and the Duties due and payable thereon shall be computed and paid by the same Rules, Regulations, and Restrictions, in all Respects, as are prescribed by the before-recited Act of the last Session of Parliament for the like Goods carried into any Out-port in this Kingdom and there condemned, and afterwards brought to the Port of *London* for Sale; any Custom or Usage to the contrary notwithstanding.

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21 GEORGII III. Cap. LXV.

An Act for establishing an Agreement with the United Company of Merchants of England *trading to the* East-Indies, *for the Payment of the Sum of four hundred thousand Pounds for the Use of the Public, in full Discharge and Satisfaction of all Claims and Demands of the Public from the Time the Bond Debt of the said Company was reduced to one million five hundred thousand Pounds, until the first Day of* March, *one thousand seven hundred and eighty-one, in Respect of the territorial Acquisitions and Revenues lately obtained in the* East-Indies; *and also for securing to the Public in Respect thereof, for a Term therein mentioned, a certain Part or Proportion of the clear Revenues and Profits of the said Company; and for granting to the said Company, for a further Term, the sole and exclusive Trade to and from the* East-Indies, *and Limits therein mentioned; and for establishing certain Regulations for the better Management of the Affairs of the said Company, as well in* India *as in* Europe, *and the recruiting the military Forces of the said Company.*

Preamble. Recital of 17 Geo. 2. c. 17;

WHEREAS by an Act made in the seventeenth Year of the Reign of his late Majesty King *George* the Second, (intituled, *An Act for granting to his Majesty the Surplus or Remainder of the Monies arisen, or to arise, by the Duties on spirituous Liquors, granted by an Act of the last Session of Parliament; and for explaining and amending the said Act, in Relation to the Retailers of such Liquors; and for establishing an Agreement with the United Company of Merchants of* England *trading to the* East-Indies), it was, amongst other Things, enacted, That the United Company of Merchants of *England* trading to the *East-Indies* should, subject to the Proviso of Determination therein after contained, have, use, and enjoy, and should continue to have, use, and enjoy, the whole, sole, and exclusive Trade and Traffic, and the only Liberty, Use, and Privilege of trading, trafficking, or using or exercising the Trade or Business of Merchandize in, to, and from the *East-Indies*, and from all the Islands, Ports, Havens, Coasts, Cities, Towns, and

and Places, between the *Cape of Good Hope* and the *Streights of Magellan*; and Limits, in an Act made in the ninth Year of the Reign of his late Majesty King *William* the Third, or in a Charter of the fifth Day of *September*, in the tenth Year of his said late Majesty's Reign, mentioned, in as ample and beneficial a Manner as the said Company could thereby or otherwise lawfully trade thereto, with such Prohibition to all other his Majesty's Subjects to trade thereto, and under such Penalties and Forfeitures, as in the said Act of the seventeenth Year of the Reign of his said late Majesty King *George* the Second; and by the said last-mentioned Act it was provided and enacted, That, at any Time, upon three Years' Notice to be given by Parliament after the twenty-fifth Day of *March*, one thousand seven hundred and eighty, upon the Expiration of the said three Years, and Repayment to the said United Company of Merchants of *England* trading to the *East-Indies*, or their Successors, of the capital Stock, Debt, or Sum of four millions two hundred thousand Pounds, in the said Act mentioned, and all Arrears of Annuity payable in Respect thereof, in case the same should not have before been repaid, then, and from thenceforth, and not before or sooner, the said Right, Title, and Interest, of the said United Company of Merchants of *England* trading to the *East-Indies*, to the whole, sole, and exclusive Trade to the *East-Indies*, and Parts aforesaid, should cease and determine: And whereas, on the seventh Day of *April*, one thousand seven hundred and eighty, Notice was given to the said United Company, pursuant to the Power reserved in the said recited Act for that Purpose, that the capital Stock, Debt, or Sum of four millions two hundred thousand Pounds, and all Arrears of Annuity in Respect thereof, due from the Public to the said United Company, would be redeemed and paid off on the tenth Day of *April*, one thousand seven hundred and eighty-three: And whereas, by an Act made in the seventh Year of the Reign of his present Majesty, (intituled, *An Act for establishing an Agreement for the Payment of the annual Sum of four hundred thousand Pounds, for a limited Time, by the* East-India *Company, in Respect of the territorial Acquisitions and Revenues lately obtained in the* East-Indies), it was directed, That the said United Company, and their Successors, should advance and pay into the Receipt of his Majesty's Exchequer, for his Majesty's Use, the Sum of four hundred thousand Pounds *per Annum*, for and during the Term of two Years, to be computed from the first Day of *February*, one thousand seven hundred and sixty-seven, by half-yearly Payments of two hundred thousand Pounds each, at or before such Times as are therein limited; and it was thereby enacted and declared, That all the territorial Acquisitions and Revenues, lately obtained in the *East-Indies*, should remain in Possession of the said United Company, and their Successors, during the said Term of two Years, to be computed from the said first Day of *February*, one thousand seven hundred and sixty-seven: And whereas, by an Act made in the ninth Year of the Reign of his present Majesty, (intituled, *An Act for carrying into Execution certain Proposals made by the* East-India *Company for the Payment of the annual Sum of four hundred thousand Pounds, for a limited Time, in Respect of the territorial Acquisitions and Revenues lately obtained in the* East-Indies), it was directed, That the said United Company of Merchants of *England* trading to the *East-Indies*, and their Successors, should advance and pay into the Receipt of his Majesty's Exchequer, for his Majesty's Use, the Sum of four hundred thousand Pounds *per Annum*, for and during the Term of five Years, to be computed from the first Day of *February*, one thousand seven hundred and sixty-nine, at or before such Times as are therein limited; and it was thereby enacted and declared, That all the territorial Acquisitions and Revenues (in the said recited Act before-mentioned) lately obtained in the *East-Indies*, should remain in Possession of the said United Company, and their Successors, during the said Term of five Years: And whereas, by an Act made in the thirteenth Year of the Reign of his present Majesty, (intituled, *An Act for granting to his Majesty a Sum of Money, to be raised by Exchequer Bills; and to be advanced and applied, in the Manner and upon the Terms therein mentioned, for the Relief of the United Company of Merchants of* England *trading to the* East-Indies), it is, among other Things, recited, That the United Company of Merchants of *England* trading to the *East-Indies* did then labour, and had for some Time past laboured under great and unusual Difficulties in carrying on of their Affairs, from which it greatly imported the Public, as well as the said United Company, that they should, as speedily as possible, be relieved; and, by the said Act, Provision was made for advancing to the said United Company, by Way of Loan from the Public, the Sum of one million four hundred thousand Pounds: And it was by the said Act also recited, That, in the then Circumstances of the *East-India* Company, it would not be in their Power to provide for the Repayment of such Loan, and for the establishing their Affairs upon a more secure Foundation for the Time to come, unless the Public should agree to forego for the present all Participation in the Profits arising from the territorial Acquisitions and Revenues lately obtained in the *East-Indies*, in order that Provision be made by Parliament for applying as well the Whole of the Profits arising from the said territorial Acquisitions and Revenues, as well as

7 Geo. 3. c. 57.; 9 Geo. 3. c. 24.; 13 Geo. 3. c. 64.;

the

the Revenue and Profits of the Company, after providing for certain necessary Payments and Deductions to be made thereout, to the Repayment of the said Sum of one million four hundred thousand Pounds, and to the Reduction of the Company's Bond Debt; And by the said Act it was enacted, That, until the said Sum of one million four hundred thousand Pounds should have been repaid, and the Bond Debt of the said Company be reduced to the Sum of one million five hundred thousand Pounds, the whole clear Profits arising from the said territorial Acquisitions and Revenues, after defraying the Charges and Expenses attending the same, together with all the clear Revenue and Profits of the said Company, after providing for the current Payments of Interest, and other Outgoings, Charges, and Expenses of the said Company, should from Time to Time be disposed of and applied in Manner following; (that is to say), until the Whole of the Money, so advanced and applied as aforesaid, should have been repaid, it should and might be lawful, out of the said clear Revenues and Profits, to set apart and apply, in the first Place, such Sum as might be sufficient for answering a Dividend to the Proprietors of the Stock of the said Company, not exceeding the Rate of six Pounds *per Centum per Annum* upon the capital Stock of the said Company; and all the Surplus of the said clear Revenues and Profits should be applied in Diminution of the said Sum of one million four hundred thousand Pounds, or such Part thereof as should be remaining unpaid; and for defraying the Charges incurred in Respect thereof; and after the Repayment of the Whole of the Money so advanced and applied as aforesaid, and until the Bond Debt of the said Company should be reduced to the Sum of one million five hundred thousand Pounds, it should and might be lawful, in like Manner, to set apart and apply, in the first Place, out of the said clear Revenues and Profits, such Sum as might be sufficient for answering a Dividend not exceeding the Rate of seven Pounds *per Centum per Annum* upon the capital Stock of the said Company; after which all the Surplus of the said clear Revenues and Profits should be applied in reducing the Bond Debt of the said Company: And whereas, by a certain other Act of Parliament, made in the nineteenth Year of the Reign of his present Majesty, (intituled; *An Act for continuing in the Possession of the United Company of Merchants of* England *trading to the* East-Indies, *for a limited Time, and under certain Conditions, the territorial Acquisitions and Revenues lately obtained in the* East-Indies; *and for continuing for a limited Time, so much of an Act, made in the thirteenth Year of the Reign of his present Majesty, intituled, 'An 'Act for establishing certain Regulations for the better Management of the Affairs of the* East-'India *Company, as well in* India *as in* Europe,' *as will expire in the Course of the present Year*), it is, amongst other Things, recited, That the said Sum of one million four hundred thousand Pounds had been repaid and fully discharged, and all the Charges incurred in Respect thereof had been defrayed, and the Bond Debt of the said Company had been reduced to or under the Sum of one million five hundred thousand Pounds, whereby the Circumstances, in Consideration whereof it was in the aforesaid Act declared, that the Public should agree to forego, for the then present Time, all Participation in the Profit arising from the territorial Acquisitions and Revenues lately obtained in the *East-Indies*, have ceased and are determined; but whereas notwithstanding it might be expedient that the aforesaid territorial Acquisitions and Revenues should, for a limited Time, and under certain Conditions and Restrictions, remain in the Possession of the United Company of Merchants of *England* trading to the *East-Indies*: And by the said recited Act it was enacted, That all the territorial Acquisitions and Revenues lately obtained in the *East-Indies* should remain in the Possession of the United Company of Merchants of *England* trading to the *East-Indies*, and their Successors, for and during the Term of one Year, to be computed from the fifth Day of *April*, in the Year of our Lord one thousand seven hundred and seventy-nine: And it was also, by the said last recited Act, further provided and enacted, That for and during the said Term, the whole clear Profits arising from the said territorial Acquisitions and Revenues, after defraying the Charges and Expenses attending the same, together with all the clear Revenue and Profits of the said Company, after providing for the current Payments of Interest, and other Outgoings, Charges, and Expenses, of the said Company, should be disposed of and applied in Manner following; (that is to say), it should and might be lawful, out of the said clear Revenues and Profits, to set apart and apply, in the first Place, such Sum as might be sufficient for answering a Dividend to the Proprietors of the Stock of the said Company, not exceeding the Rate of eight Pounds *per Centum per Annum* upon the capital Stock of the said Company; after which the whole Surplus of the said clear Revenues and Profits should be reserved, and await any future Agreement that might be made between the Public and the said Company: And whereas, by a certain other Act of Parliament, passed in the twentieth Year of the Reign of his present Majesty, (intituled, *An Act for continuing in the Possession of the United Company of Merchants of* England *trading to the* East-Indies, *for a further Time, and under certain Conditions, the territorial Acquisitions and Revenues lately obtained in the* East-Indies; *and for reviving and continuing for a further*

19 Geo. 3. c. 61.

20 Geo. 3. c. 56.

Time, so much of an Act, made in the thirteenth Year of the Reign of his present Majesty, intituled, 'An Act for establishing certain Regulations for the better Management of the Affairs of the East-India *Company, as well in* India *as in* Europe,' *as hath expired in the Course of the present Year; and for indemnifying the said Company for any Money they have paid, or may pay, in or about the building of three Ships of the Line for the Service of the Public)*; it is enacted, That all the said territorial Acquisitions and Revenues lately obtained in the *East-Indies* should remain in the Possession of the said United Company of Merchants of *England* trading to the *East-Indies*, and their Successors, for and during the further Term of one Year, to be computed from the fifth Day of *April*, in the Year of our Lord one thousand seven hundred and eighty, upon the same Conditions and Restrictions as are contained in the said recited Act, passed in the nineteenth Year of the Reign of his present Majesty: And whereas the said Sum of one million four hundred thousand Pounds was repaid and fully discharged, and all the Charges incurred in Respect thereof were defrayed, and the Bond Debt of the said United Company was reduced to or under the Sum of one million five hundred thousand Pounds, on or before the twenty-fourth Day of *June*, one thousand seven hundred and seventy-eight; and the said United Company have, in Pursuance of the several recited Acts, remained in the Possession of all the territorial Acquisitions and Revenues lately obtained in the *East-Indies*, and have, out of the Profits arising from the same, and the Revenue and Profits of the said United Company, made a Dividend to the Proprietors of the Stock of the said Company, of eight Pounds *per Centum per Annum*, upon the capital Stock of the said Company, from the twenty-fifth Day of *December*, one thousand seven hundred and seventy-seven: And whereas the said United Company presented a Petition to the House of Commons, on the twenty-sixth Day of *June*, one thousand seven hundred and eighty-one, setting forth, that they were desirous to have the exclusive Trade in, to, and from the *East-Indies*, continued to them for a further Term of Years, and were willing that the Public should participate with them in the Profits arising from the territorial Acquisitions and Revenues lately obtained in the *East-Indies*; and that the said United Company, at several General Courts lately held, had taken into Consideration the Terms and Conditions of an Agreement to be made between the Public and the said United Company; and at a Court of Proprietors, held on the twenty-fifth Day of the said Month of *June*, the said United Company agreed to the Propositions annexed to their said Petition for those Purposes, and for the Purpose of establishing certain Regulations for the better Management of their Affairs, by which said Propositions the said United Company did offer to advance and pay into his Majesty's Exchequer, by Instalments, in the Course of the present Year, the Sum of four hundred thousand Pounds, in full Discharge of all the Claims of the Public upon the said United Company until the first Day of *March*, one thousand seven hundred and eighty-one; and proposed that the said United Company should remain in Possession of all the territorial Acquisitions and Revenues lately acquired in the *East-Indies*, for and during the Term of the exclusive Trade to be granted to the said United Company, without Prejudice to the Claim of the Public or of the said United Company; and that the Participation between the Public and the said United Company should be in the Manner, and upon the Terms and Conditions herein-after mentioned and declared: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Sum of four hundred thousand Pounds shall, by the said United Company of Merchants of *England* trading to the *East-Indies*, be paid into the Receipt of his Majesty's Exchequer, at the Times and in the Proportions following; that is to say, the Sum of one hundred thousand Pounds on or before the first Day of *September*, one thousand seven hundred and eighty-one; the further Sum of one hundred thousand Pounds on or before the first Day of *October* then next following; the further Sum of one hundred thousand Pounds on or before the first Day of *November* then next following; and the remaining Sum of one hundred thousand Pounds, on or before the first Day of *December* then next following; for the Use of the Public, in full Discharge and Satisfaction of all Claims and Demands of the Public upon the said United Company, from the Time the Bond Debt of the said United Company was reduced to one million five hundred thousand Pounds, until the first Day of *March*, one thousand seven hundred and eighty-one: And in Case the said United Company of Merchants of *England* trading to the *East-Indies*, or their Successors, shall make Failure in any of the said Payments hereby appointed to be made into the Receipt of his Majesty's Exchequer on or before the respective Days or Times herein-before limited, that then and from Time to Time, as often as such Case shall so happen, the Money whereof such Failure in Payment shall be made, shall and may be recovered to his Majesty's Use by Action of Debt, or upon the Case, Bill, Suit, or Information, in any of his Majesty's Courts of Record at *Westminster*, wherein no Essoin, Protection, Privilege, or Wager of Law, shall be

Recital that the Company have repaid 1,400,000*l.* and reduced their Bond Debt to 1,500,000*l.*

That they have continued in Possession of the Territories;

and have divided 8*l.* per Centum per Annum on their capital Stock.

Recital of their Petition to Parliament.

The Company's Proposals.

Agree to pay 400,000*l.* to the Public in Discharge of Claims to March, 1781.

The Conditions.

The Act.

400,000*l.* to be paid into the Exchequer by the Company, by Instalments.

See further 22 *Geo.* 3. *c.* 51. 23 *Geo.* 3. *c.* 36 *&* 84. 24 *Geo.* 3. *c.* 3 *&* 34. *and* 26 *Geo.* 3. *c.* 62.

The Company may be sued in Case of Failure;

be allowed, or any more than one Imparlance; in which Action, Bill, Suit, or Information, it shall be lawful to declare, that the said United Company of Merchants of *England* trading to the *East-Indies*, or their Successors, are indebted to his Majesty the Monies of which they have made Default in Payment, according to the Form of the Statute, and have not paid the same, which shall be sufficient; and in or upon such Action, Bill, Suit, or Information, there shall be further recovered to his Majesty's Use, against the said United Company of Merchants of *England* trading to the *East-Indies*, or their Successors, Damages, after the Rate of fifteen Pounds *per Centum per Annum*, for the respective Monies so unpaid contrary to this Act, together with full Costs of Suit; and the said United Company, and their Successors, and all their Stock, Funds, and all other their Estates and Property whatsoever and wheresoever, shall be, and are hereby made subject and liable to the Payment of such Monies, Damages, and Costs.

and pay Damages of 15*l.* per Cent. per Annum, and Costs of Suit.

II. And be it further enacted by the Authority aforesaid, That the Proviso contained in the said in Part recited Act, made in the seventeenth Year of the Reign of his late Majesty King *George* the Second, for determining the Right, Title, and Interest of the said United Company to the whole, sole, and exclusive Trade to the *East-Indies*, and Parts aforesaid, shall be, and the same is hereby repealed and made void; and the Notice herein-before mentioned to have been given in Pursuance of the Power reserved by the said Proviso, to determine the sole and exclusive Trade of the said United Company, is hereby made and declared to be void and of no Effect.

The Proviso in 17 Geo. 2. c. 17. for determining the exclusive Trade of the Company, &c. repealed.

III. And it is hereby further enacted by the Authority aforesaid; That the said United Company of Merchants of *England* trading to the *East-Indies*, shall (subject to the Proviso of Determination herein-after contained) have, use, and enjoy, and shall continue to have, use, and enjoy, the whole, sole, and exclusive Trade and Traffic, and the only Liberty, Use, and Privilege, of trading, trafficking, and exercising the Trade or Business of Merchandize, in, to, and from, the *East-Indies*, and in, to, and from, all the Islands, Ports, Havens, Coasts, Cities, Towns, and Places, between the *Cape of Good Hope* and *Streights of Magellan*, and Limits, in the said Act of the ninth Year of the Reign of his said late Majesty King *William* the Third, or in the said Charter of the fifth Day of *September*, in the tenth Year of his said Majesty's Reign, mentioned, in as ample and beneficial Manner as the said Company could thereby, or otherwise lawfully trade thereto; and the said *East-Indies*, or the Islands, Havens, Coasts, Ports, Cities, Towns, and Places, within the Limits aforesaid, or any of them, shall not from henceforth, at any Time before such Determination of the said sole and whole Trade of the said United Company of Merchants of *England* trading to the *East-Indies*, as is herein-after mentioned, be repaired or sailed to, visited, frequented, or haunted by, any other the Subjects of his Majesty, his Heirs or Successors whatsoever: And if any of the said Subjects of his Majesty, his Heirs or Successors, of what Degree or Quality soever they be, other than the Factors, Agents, and Servants, of the said United Company of Merchants of *England* trading to the *East-Indies*, or such as shall be by them thereunto licensed or authorized, shall, at any Time or Times hereafter, before such Determination of the said Company's whole and sole Trade as aforesaid, directly or indirectly sail, or go to, visit, haunt, frequent, traffic, trade, or adventure in, to, or from, the said *East-Indies*, or other the Limits or Parts aforesaid, contrary to the true Meaning hereof, all and every such Offender and Offenders shall incur the Forfeiture and Loss of all the Ships and Vessels which shall be employed in such Voyage, Trade, Traffick, or Adventure, with the Guns, Tackle, Apparel, and Furniture, thereunto belonging; and also all the Goods laden thereupon, or that were, or shall be sent to, acquired, traded, trafficked, or adventured, within the said *East-Indies*, or Parts aforesaid, and all the Proceeds and Effects of the same, and every of them, and double the Value thereof; which Penalties and Forfeitures shall be so sued for, seized, distributed and distributable, recovered and recoverable, as in and by an Act made in the seventh Year of the Reign of his late Majesty King *George* the First, (intituled, *An Act for the further preventing his Majesty's Subjects from trading to the* East-Indies *under foreign Commissions; and for encouraging, and further securing, the lawful Trade thereto; and for further regulating the Pilots of* Dover, Deal, *and the Isle of* Thanet,) is appointed, directed, and enacted, concerning the Penalties and Forfeitures in that Act mentioned or referred to, with Respect to the said United Company, or their Trade to the *East-Indies*.

The Right to the exclusive Trade to the East-Indies continued to the Company.

Penalty on Persons trading thither without License from the Company.

See further Provisions in Respect to illicit Traders and Licenses, 26 Geo. 3. c. 57. s. 32. &c.

IV. And moreover it is hereby enacted by the Authority aforesaid, That the said United Company of Merchants of *England* trading to the *East-Indies* shall, at all Times hereafter for ever, subject as aforesaid, have, hold, and enjoy, and be intitled unto, all and every the Profits, Benefits, Advantages, Privileges, Franchises, Abilities, Capacities, Powers, Authorities, Rights, Remedies, Methods of Suit, and all Penalties and Forfeitures, and Disabilities, Provisions,

The Company to enjoy all the Profits, Privileges, &c. granted by former Acts or Charters,

sions, Matters, and Things whatsoever, which by any former Act or Acts of Parliament, or by any Charter or Charters founded thereupon, or by any Clause or Clauses in the said Acts or Charters contained, are enacted, given, granted, provided, inflicted, limited, established, or declared, to, for, touching or concerning the said Company, or Body politic and corporate, either by the Name of *The General Society, intitled to the Advantages given by an Act of Parliament for advancing a Sum not exceeding two Millions, for the Service of the Crown of* England, or the said Body politic and corporate, called by the Name of *The* English *Company trading to the* East-Indies, or the said Body politic and corporate, now called by the Name of *The United Company of Merchants of* England *trading to the* East-Indies, and not by this Act altered, or intended to be altered, according to the Tenor and true Meaning of the said Acts and Charters, freed and discharged from all Provisoes and Conditions of Redemption and Determination therein contained; and the same, and every of them, are hereby ratified and confirmed, and shall continue to be held and enjoyed, and be practised, and put in Execution, by the said United Company of Merchants of *England* trading to the *East-Indies*, and their Successors, for the better and more effectual settling and securing to them, and their Successors, the whole, sole, and exclusive Trade to the *East-Indies*, and Parts aforesaid; and for the preventing all other his Majesty's Subjects trading thither, and for securing also their Possessions, Estate, and Effects, and governing their Affairs and Business, in all Respects as fully and effectually as if the same Profits, Benefits, Advantages, Trade, Privileges, Franchises, Abilities, Capacities, Powers, Authorities, Rights, Remedies, Methods of Suit, Penalties, Forfeitures, Disabilities, Provisions, Matters, and Things, were severally repeated, and at large re-enacted in the Body of this Act; subject nevertheless to such Restrictions, Covenants, and Agreements, as are contained in the said Acts and Letters Patent now in Force, and not herein or hereby varied or altered, and subject also to the Proviso herein-after mentioned.

and not altered by this Act.

V. Provided always, and it is hereby enacted by the Authority aforesaid, That at any Time, upon three Years notice to be given by Parliament, after the first Day of *March*, which shall be in the Year of our Lord one thousand seven hundred and ninety-one, upon the Expiration of the said three Years, and Repayment to the said United Company of Merchants of *England* trading to the *East-Indies*, or their Successors, of the said capital Stock, Debt, or Sum of four millions two hundred thousand Pounds, and all Arrears of Annuity payable in Respect thereof, in Case the same shall not have been before repaid; then, and from thenceforth, and not before, or sooner, the said Right, Title, and Interest, of the said United Company of Merchants of *England* trading to the *East-Indies*, to the whole, sole, and exclusive Trade to the *East-Indies*, and Parts aforesaid, shall cease and determine.

Continuance of the Term granted to the Company of the exclusive Right to trade to the East-Indies.

VI. Provided always, and it is hereby further enacted, That nothing in the above Proviso, or in any Proviso in the said Act of the ninth Year of the Reign of his said late Majesty King *William* the Third, or in the said Charter of the fifth Day of *September*, in the tenth Year of his said late Majesty's Reign, or in any other Act or Charter contained, shall extend, or be construed to extend, to determine the Corporation of the said United Company of Merchants of *England* trading to the *East-Indies*, or to hinder, prevent, or exclude, the said United Company from carrying on, at all Times after such Determination of the Right to the sole, whole, and exclusive Trade, as aforesaid, a free Trade in, to, and from the *East-Indies*, and Parts aforesaid, with all or any Part of their own joint Stock in Trade, Goods, Merchandizes, Estate, and Effects, in common with other the Subjects of his Majesty, his Heirs and Successors, trading in, to, or from those Parts.

The Company, after the Determination of their exclusive Right, may continue to trade with their joint Stock, &c.

VII. And be it further enacted by the Authority aforesaid, That any Notice in Writing, signified by the Speaker of the House of Commons for the Time being, by Order of the said House, shall be deemed and adjudged a due and proper Notice by Parliament, to and for all the Ends, Intents, and Purposes for which such Notices are directed by this Act to be given to the said Company.

What shall be deemed a good Notice to the Company.

VIII. And be it further enacted by the Authority aforesaid, That all the territorial Acquisitions and Revenues lately obtained in the *East-Indies* shall remain in the Possession of the United Company of Merchants of *England* trading to the *East-Indies*, for and during the Term of the exclusive Trade granted to the said United Company.

The territorial Acquisitions to remain in the Possession of the Company.

IX. And be it further enacted by the Authority aforesaid, That from and after the first Day of *March*, one thousand seven hundred and eighty-one, for and during so long Time as the said United Company, under the Authority of this present Act, shall be intitled to the whole, sole, and exclusive Trade and Traffic in, to, and from the *East-Indies* and Places aforesaid, the whole

How the Profits arising from the territorial Acquisitions, and the Trade of the Company, shall be disposed of.

See further Provisions 23 *Geo.* 3. *c.* 83. *s.* 8. 24 *Geo.* 3. *c.* 34. *s.* 4.

whole clear Profits arising from the said territorial Acquisitions and Revenues, after defraying the Charges and Expenses attending the same, together with all the clear Revenues and Profits of the said Company, after providing for the current Payments of Interest, and other Outgoings, Charges, and Expenses of the said Company, shall from Time to Time be disposed of and applied in Manner following; (that is to say,) it shall and may be lawful for the said United Company to set apart and retain, in the first Place, in each and every Year, such Sum as shall be equal to eight Pounds *per Centum per Annum* upon the capital Stock of the said United Company of three millions two hundred thousand Pounds; and in Case there shall remain a Surplus of the said clear Revenues and Profits above the said Sum of eight Pounds *per Centum per Annum*, so to be retained by the said United Company as aforesaid, three-fourth Parts of such surplus Profits shall be set apart and applied for the Use of the Public, and the remaining fourth Part thereof shall be reserved and retained by the said United Company for their own Use.

Surplus Profits appropriated to the Public to be paid annually into the Exchequer.

X. And be it further enacted by the Authority aforesaid, That the surplus Profits appropriated to the Public as aforesaid, shall be paid annually into the Receipt of his Majesty's Exchequer, as herein-after mentioned, and shall be there reserved for the Disposition of Parliament.

The said Payments to be made on or before May 1, in every Year.

XI. And be it further enacted by the Authority aforesaid, That the said United Company of Merchants of *England* trading to the *East-Indies*, and their Successors, shall, and they are hereby directed and required to pay into the Receipt of his Majesty's Exchequer, for his Majesty's Use, the Parts and Proportions of the clear Revenue and Profits herein-before directed to be set apart and applied for the Use of the Public, on or before the first Day of *May* in each and every Year; and in Case the said United Company of Merchants of *England* trading to the *East-Indies*, or their Successors, shall make Failure in Payment hereby appointed to be made, into the Receipt of his Majesty's Exchequer, on or before the said first Day of *May* in each and every Year, that then, and in such Case, the Money whereof such Failure in Payment shall be made, shall and may be recovered to his Majesty's Use, by Action of Debt, or upon the Case, Bill, Suit, or Information, in any of his Majesty's Courts of Record at *Westminster*, wherein no Essoin, Protection, or Wager of Law, shall be allowed, or any more than one Imparlance; in which Action, Bill, Suit, or Information, it shall be lawful to declare, that the said United Company of Merchants of *England* trading to the *East-Indies*, or their Successors, are indebted to his Majesty the Monies of which they shall have made Default in Payment, according to the Form of this Statute, and have not paid the same, which shall be sufficient; and in or upon such Action, Bill, Suit, or Information, there shall be further recovered to his Majesty's Use, against the said United Company of Merchants of *England* trading to the *East-Indies*, or their Successors, Damages after the Rate of fifteen Pounds *per Centum per Annum* for the respective Monies so unpaid, contrary to this Act, together with full Costs of Suit; and the said United Company, and their Successors, and all their Stock, Funds, and all other their Estates and Property whatsoever and wheresoever, shall be, and are hereby made subject and liable to the Payment of such Monies, Damages, and Costs.

On Failure of Payment, how the Money shall be recovered.

The Company's Share of the net Profits, and the Money they shall receive for victualling Ships in the East-Indies, how to be applied.

XII. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said United Company to apply such Money as they are herein-before authorized to retain to themselves out of the yearly net Profits of the said United Company, and also so much Money as they shall receive in Respect of the fourth Part of the Expense of Victualling his Majesty's Ships and Vessels in the *East-Indies*, herein-after directed to be paid to the said United Company, during the Continuance of the War with *France*, *Spain*, and *Holland*, together with the Surplus Profits belonging to the said United Company on the first Day of *March*, one thousand seven hundred and eighty-one, after Payment of the said Sum of four hundred thousand Pounds to the Public, as herein-before is directed, not exceeding two hundred eighty-eight thousand and twenty-five Pounds, seventeen Shillings, and ten Pence, in the Payment of Dividends to the Proprietors of the Stock of the said United Company, not exceeding the Rate of twelve Pounds, ten Shillings, *per Centum per Annum*; provided that the Bond Debt of the said United Company shall not at any such Time exceed the Sum of one million five hundred thousand Pounds; and provided, that they do not Increase the present Dividend of eight Pounds *per Centum per Annum* more than at the Rate of one Pound *per Centum* in each and every Year.

A Statement of the Profit and Loss upon the Trade and Revenues of the Company with a State of their Debts, to be made up yearly, signed by two Directors, and transmitted to the Commissioners of the Treasury:

XIII. And, in order to ascertain the yearly net Profits arising from the said United Company's Trade and Revenues, be it further enacted by the Authority aforesaid, That the said United Company shall, and they are hereby directed and required, to cause to be made up yearly, for each and every Year during the Term before-mentioned, with as much Accuracy as the Nature of the Case will admit, a Statement of the Profit and Loss upon the Whole of the Trade and Revenues of the said United Company, together with a State of the Debts of the said United Company

pany in *England*, from the first Day of *March*, in every Year, to the first Day of *March* in each succeeding Year, the first of which Statements or Accounts shall be made up to the first Day of *March*, one thousand seven hundred and eighty-two; and every such Statement or Account shall be fairly written, and shall be signed by two or more of the Directors of the said United Company, and transmitted, within thirty Days after the Day to which such Statements or Accounts shall be made up respectively, to the Commissioners of his Majesty's Treasury, or the High Treasurer for the Time being.

And also an Account of the Value of all Goods remaining unsold in their Warehouses in England, exclusive of Discounts, &c.

XIV. And be it further enacted by the Authority aforesaid, That the said United Company shall cause to be made out, at the same Time with the Account herein-before directed, an Account of the Value of all the said United Company's Goods which shall remain unsold in their Warehouses in *England* at the Time of making up the said Account, exclusive of Discounts, Customs, Commission to Supercargoes, and of all and every other Charge whatsoever to be deducted therefrom; which Account shall be fairly written, and shall be signed by two or more of the Directors of the said United Company, and transmitted, with the Account herein-before mentioned, to the Commissioners of his Majesty's Treasury, or the High Treasurer for the Time being.

Accounts of the gross Amount of the territorial Revenues, and of all the Company's Disbursements, &c. to be made up annually, and delivered to the Commissioners of the Treasury.

XV. And be it further enacted by the Authority aforesaid, That Accounts of the gross Amount of all the territorial Revenues received by the said United Company, and of all their Disbursements, Charges of Management, Civil, Military, and other Expenses and Charges, and also of the said United Company's Debts at each of their Settlements in the *East-Indies*, and Accounts of their net Proceeds at each of their Settlements in the *East-Indies*, shall be made up annually, and delivered to the Commissioners of his Majesty's Treasury, or the High Treasurer for the Time being, on or as soon after the first Day of *March*, in each Year, as the Receipt of the necessary Materials from the *East-Indies* shall enable the said United Company to prepare such Accounts.

Directors to lay Copies of said Accounts before a General Court.

XVI. And be it further enacted by the Authority aforesaid, That the Directors of the said United Company shall cause Copies of the said Accounts, so directed to be made up as aforesaid, to be laid before the General Court of Proprietors, to be holden next after the same shall be so made up.

The Company to pay to his Majesty two Lacks of Rupees per Annum for each Regiment of 1000 Men sent to the East-Indies by their Desire, &c.

XVII. Provided always, and be it further enacted by the Authority aforesaid, That the said United Company shall, and they are hereby required to pay to his Majesty, his Heirs and Successors, in the *East-Indies*, two Lacks of current Rupees *per Annum* for each and every Regiment consisting of one thousand Men, already sent, or hereafter to be sent, by his Majesty, his Heirs or Successors, to the *East-Indies*, on the Requisition of the said United Company, over and above the Extraordinaries now borne and defrayed by the said United Company, and in that Proportion for any greater or less Number of Men, and for any greater or less Space of Time; such Payment to be computed, with Respect to the Forces already sent, from the twenty-fourth Day of *June*, one thousand seven hundred and eighty-one, and with Respect to such Forces as hereafter shall be sent to the *East-Indies*, from the Time of the Embarkation of such Forces, and shall be paid until the Return of the said Regiments to *Great-Britain*, or for so long Time as the said United Company shall be possessed of the territorial Revenues in the Provinces of *Bengal*, *Bahar*, and *Orissa*; which said Payment shall be made in Manner following; that is to say, The Subsistence of such Forces there shall be regularly paid to the Orders of the Officers commanding each respective Regiment, and the Remainder of such Allowances shall be paid according to such Regulations as shall be settled between the Paymaster-General of his Majesty's Forces and the Secretary at War for the Time being, and the Court of Directors of the said United Company.

From July 5, 1782, during Hostilities with France, &c. the Company to supply the victualling for his Majesty's Ships to be sent to the East-Indies upon their Requisition, &c.

XVIII. *Provided also, and be it further enacted by the Authority aforesaid, That, from and after the fifth Day of* July, *one thousand seven hundred and eighty-two, until Peace shall be restored with* France, Spain, *and* Holland, *the said United Company shall provide and supply all the victualling to be delivered in the* East-Indies *necessary for his Majesty's Ships and Vessels already sent, or hereafter to be sent, to the* East-Indies, *upon the Requisition of the said United Company, and also for the sick and hurt Seamen belonging to such Ships and Vessels, during the Time such Ships and Vessels shall be employed in the* East-Indies; *and that a just and true Account shall be kept thereof, and shall be properly authenticated and vouched by the Governor, or President and Council of the said United Company's Settlements in* India *respectively, where such victualling shall be provided and supplied; and such Account shall, from Time to Time, be transmitted to the Court of Directors of the said United Company, who are hereby required to lay such Accounts before the Commissioners of his Majesty's Treasury, or the High Treasurer for the Time being, who shall thereupon refer the said*

Accounts to the Commissioners of his Majesty's Navy, victualling, and sick and wounded Seamen, to be considered in the proper Offices; and all such victualling so provided and supplied as aforesaid, shall be put in Charge against the Officer or Officers to whom the same was delivered, or against the Hospital for sick and hurt respectively, as the Case may be; and the Commissioners of his Majesty's Treasury, or the High Treasurer for the Time being, from Time to Time, during the Time aforesaid, within forty Days after the Receipt of such Accounts so properly authenticated and vouched as aforesaid, shall pay, or cause to be paid, to the said United Company, one fourth Part of the total Amount of the Value of all such victualling so provided by the said United Company; which Sum, so paid, shall be deemed and taken to be the sole Right and Property of the said United Company, freed and discharged from all Claims or Right of Participation on the Behalf of the Public, and shall be set apart and applied for the Use and Benefit of the said United Company: And in Case it shall happen, at any Time during the Time aforesaid, that, by Means of the said United Company being put to such Expenses on Account of providing and supplying such victualling as aforesaid, the net Profits of the said United Company realised in Great-Britain, *shall be so reduced as not to be sufficient, together with one-fourth Part of such Expenses, as to produce to the said United Company a Sum equal to eight Pounds* per Centum per Annum *upon their capital Stock of three millions two hundred thousand Pounds, that then and in every such Case the Public shall repay in* Great-Britain *so much more of the Expenses of providing and supplying such victualling for his Majesty's Ships and Vessels, (if the Amount of the Value of such victualling, so provided and supplied as aforesaid be equal thereto), as shall be sufficient to make up to the said United Company a Sum equal to a Dividend of eight Pounds* per Centum per Annum *on the capital Stock of the said United Company, such Payments to be made in sterling Money of* Great-Britain, *the Exchange for the Rupee being rated and taken at the usual current Price of the Rupee at the Time the same shall be advanced and paid in the* East-Indies.

Commissioners of the Treasury to pay to the Company one-fourth Part of the Value of such victualling.

In case the Company shall not be able to make a Dividend of eight per Cent. then the Public shall repay more than a fourth Part of the Expenses of victualling.

XIX. And be it further enacted by the Authority aforesaid, That, from and after Peace shall be restored with *France*, *Spain*, and *Holland*, the said United Company shall, in like Manner, provide and supply all such victualling at their own proper Expense, Cost, and Charge.

Company to supply such victualling after the Restoration of Peace.

XX. And be it further enacted by the Authority aforesaid, That the said United Company shall, as soon as they shall be enabled so to do, on the Requisition and under the Inspection of the Commissioners of his Majesty's Navy and Office of Ordnance, send out to the *East-Indies* such naval and military Stores, in such Quantities, and of such Quality, and to such Places, as the said Commissioners of his Majesty's Navy shall direct; and the said United Company shall make timely Requisition to the Commissioners of his Majesty's Navy for such naval and military Stores as cannot be provided by the said United Company; and the said United Company shall also pay to the said Commissioners of his Majesty's Navy for all such naval and military Stores so provided by them. And for all such naval and military Stores exported from *Great-Britain* to the *East-Indies*, by the said United Company, upon the Requisitions of the Commissioners of his Majesty's Navy, the Commissioners of his Majesty's Treasury, or the High Treasurer for the Time being, shall, within forty Days after an Account of such naval and military Stores shall have been so actually exported, and Proof made thereof, and Certificates shall be delivered of such Exportation to the Commissioners of his Majesty's Navy, pay and advance, or cause to be paid and advanced, to the said United Company, by Way of Imprest, upon Account of such naval and military Stores, a Sum of Money nearly adequate to the Value thereof; and the Remainder of the Value of such Stores shall be paid for after they shall be delivered in the *East-Indies*, for the Use of his Majesty's Ships and Vessels, within forty Days next after Certificates shall have been delivered to the Commissioners of his Majesty's Treasury, or the High Treasurer for the Time being, that such naval and military Stores have been furnished and supplied to any of his Majesty's Ships or Vessels employed in the *East-Indies*; which Certificates the Officer or Officers receiving the said naval and military Stores is and are hereby required to give to the said United Company in triplicate, on Delivery of such Stores.

Company to send to the East-Indies such naval and military Stores as the Commissioners of the Navy, &c. shall direct.

Treasury to pay to the Company, within 40 Days after delivering in the Account, &c. a Sum nearly equal to the Value of such Stores.

The Remainder of the Value when to be paid.

XXI. Provided always, That in Case of the Loss or Damage of the said naval and military Stores, or of any Part thereof, by Sea, or by being taken or destroyed by Enemies, or by any other Accident not imputable to, or occasioned by, the Fault or Neglect of the said United Company, or their Servants, or any Person employed by them, the said Imprest shall be allowed to the said United Company, and moreover the said United Company shall be paid the Surplus Value of such naval and military Stores beyond the Sum so imprested to them as aforesaid.

In Case such Stores should be taken by Enemies, or lost by unavoidable Accident, the Company to be paid the full Value thereof.

XXII. And be it further enacted by the Authority aforesaid, That, from and after the twenty-fourth Day of *June*, one thousand seven hundred and eighty-two, the said United Company,

From June 24, 1782, the Company to supply naval and military

pany shall, to the utmost of their Power, supply, for the Wear and Tear and Repairs of such Ships and Vessels belonging to his Majesty as shall be employed in the *East-Indies*, all such naval and military Stores as shall be required by the Officer commanding the Fleet in the *East-Indies*, or by any Officer commanding any of his Majesty's Ships or Vessels so employed in the *East-Indies*, such Officer giving triplicate Certificates for such naval and military Stores; and the prime Cost of all such naval and military Stores as shall be supplied in the *East-Indies* for the Use of his Majesty's Navy, shall be repaid to the said United Company in *England*, until Peace shall be restored with *France*, *Spain*, and *Holland*, within forty Days after Certificates shall have been delivered to the Commissioners of his Majesty's Treasury, or to the High Treasurer for the Time being, that such naval and military Stores have been furnished and supplied to any of his Majesty's Ships and Vessels so employed in the *East-Indies*.

Stores for Repairs, &c. of his Majesty's Ships in the East-Indies.

The prime Cost whereof shall be repaid by the Treasury during Hostilities with France, &c.

XXIII. And be it further enacted by the Authority aforesaid, That, from and after Peace shall be restored with *France*, *Spain*, and *Holland*, the said United Company, so long as they shall remain in the Possession of the territorial Acquisitions and Revenues in the Provinces of *Bengal*, *Bahar*, and *Orissa*, shall furnish, at their own proper Costs and Charges, such naval and military Stores as shall be necessary and be required for the Use of such of his Majesty's Ships and Vessels as shall, at the Request of the said United Company, remain on Service in the *East-Indies* in Time of Peace with the *European* Powers, for which Certificates shall be granted by the Officers commanding such Ships and Vessels respectively; and all Certificates so granted for such naval and military Stores, shall be sent to the Court of Directors of the said United Company, and shall be by the said Court of Directors transmitted to the Commissioners of his Majesty's Treasury, or the High Treasurer for the Time being; and such Certificates, so transmitted, shall be sent to the Commissioners of his Majesty's Navy and Office of Ordnance, who are hereby required to put the same in Charge against the Officers respectively receiving such naval and military Stores.

But after the Restoration of Peace, the Company shall furnish the said Stores at their own Expence.

XXIV. And, in order to prevent any extravagant Demand being made, or any Frauds being committed in the victualling any of his Majesty's Ships or Vessels, and in supplying them with naval and military Stores, and that all Expenses relating thereto may be properly checked and controuled, be it enacted by the Authority aforesaid, That the Commissioners of his Majesty's Navy, and the Commissioners of victualling, and sick and wounded Seamen, and Office of Ordnance, and the Court of Directors of the said United Company, shall settle and establish such Rules, Orders, and Regulations, for the providing such Supplies, and in paying such Expenses as aforesaid, as they shall see proper; and all such Rules, Orders, and Regulations, shall be observed and obeyed, as well by the Servants of the said United Company, as by the Officers of his Majesty's Navy respectively; and the Accounts of such Supplies and Expenses shall be returned, examined, checked, and passsed, in such Manner as by the said Rules, Orders, and Regulations shall be established: And in Case it shall appear, upon the Examination of such Accounts, that any Monies or Stores, received by any of his Majesty's Officers, shall not be properly accounted for, the Amount and Value thereof shall be recovered from such Officer or Officers, by such Ways and Means as shall be agreeable to the Usage and Custom of the Navy in such Cases; and such Part of the Money so recovered, as shall have arisen during the War with *France*, *Spain*, and *Holland*, shall be paid and applied for the Use of his Majesty, and such Part as shall have arisen subsequent to the End of the War with *France*, *Spain*, and *Holland*, shall be paid to the said United Company.

Commissioners of the Navy, &c. and the Court of Directors, shall establish Regulations for providing Stores, &c.

Monies or Stores not accounted for by Officers, how to be recovered.

XXV. And be it further enacted by the Authority aforesaid, That all and every the Rights, Interests, Powers, Privileges, and Authorities, which are now vested in the said United Company of Merchants of *England* trading to the *East-Indies*, and which are not hereby expressly taken away, altered, or varied, shall remain to, and continue in the said Company, in as full and ample a Manner, to all Intents and Purposes whatsoever, as if this Act had never been made.

Reservation of the Rights of the Company.

XXVI. And be it further enacted by the Authority aforesaid, That, during the Continuance of this Act, it shall not be lawful for the said United Company, or their Successors, or any of their Officers or Servants on their Account, to accept or otherwise bind the said Company, or their Successors, for the Payment of any Bill or Bills of Exchange, drawn by any of their Officers or Servants, at any of their Presidencies in the *East-Indies*, for any Sum exceeding the Sum of three hundred thousand Pounds, exclusive of Certificates, to the Amount of eight thousand Pounds, to the Commanders and Officers of each of the Company's Ships, in the Space of any one Year, without the Consent and Order first had and obtained of the Commissioners of his Majesty's Treasury for the Time being, or any three or more of them, or of the High Treasurer for the Time being, who are hereby respectively authorized to give such Consent, or to make such

Restrictions on Bills of Exchange drawn on the Company in the East-Indies. See 13 Geo. 3. c. 34. s. 16. 19 Geo. 3. c. 61. s. 4. 20 Geo. 3. c. 56. s. 4. 23 Geo. 3. c. 34. s. 2 and 3.

such Order thereon, as they shall judge expedient; and every Acceptance or Engagement made contrary to the true Meaning and Intent of this Act, shall be null and void to all Intents and Purposes.

Bills issued in India, and made payable there, shall not be payable in England, without the Consent of 18 Directors, &c.

XXVII. And be it further enacted by the Authority aforesaid, That no Bill, promissory Note, or other Obligation for Money issued, or to be issued, by any of the said United Company's Presidents and Councils, or Servants in the *East-Indies*, or in *China* respectively, and made payable in the *East-Indies*, or in *China* respectively, shall be payable in *England*, without the Consent of eighteen of the Directors of the Affairs of the said United Company first had and obtained for that Purpose; nor shall the said United Company be liable to the Payment of any Bill, promissory Note, or other Obligation for Money, issued or to be issued as aforesaid, and made payable in *England*, unless accepted by, or by Order of a Court of Directors.

British Subjects in India to reside within ten Miles of of some principal Settlement.

XXVIII. And be it further enacted by the Authority aforesaid, That during the Continuance of this Act, it shall not be lawful for any *British* Subject or Subjects, in the Service of the said United Company, or licensed by them to proceed to *India*, to reside in any other Place in *India* than in one of the principal Settlements belonging to the said United Company, or within ten Miles of such principal Settlement, without the special License of the said United Company, or of the President or Governor and Council of such principal Settlement, in writing first had and obtained; nor shall any such *British* Subject or Subjects reside beyond the Limits aforesaid, for any longer Space of Time than shall be specified in the Orders of the said United Company, or in his or their License or Licenses respectively.

British Subjects residing in India not to lend Money to any foreign Company, &c.

XXIX. And be it further enacted by the Authority aforesaid, That it shall not be lawful for any Servant or Servants of the said United Company, or any other *British* Subject or Subjects residing in *India*, to lend any Sum or Sums of Money to any foreign Company or Companies, or to any foreign *European* Merchant or Merchants, or to purchase any Goods in *India* for or on Account of such foreign Company or Companies, *European* Merchant or Merchants, or to be concerned in lending such Sum or Sums of Money, or in purchasing such Goods, directly or indirectly, or to furnish such foreign Company or Companies, *European* Merchant or Merchants, with the Credit of Bills drawn upon the Correspondents of such Servant or Servants, or *British* Subject or Subjects, or any other Person or Persons in *Europe*.

Penalty on British Subjects (other than the Company) who shall send Indian Goods to Europe.

XXX. And be it further enacted by the Authority aforesaid, That, from and after the fifth Day of *July*, one thousand seven hundred and eighty-two, it shall not be lawful for any *British* Subject, either in his own Name, or in the Name of any other Person or Persons whatsoever, to carry on or be concerned in any Trade or Traffic whatsoever, in sending any Kind of Goods and Merchandizes, the Produce or Manufacture of the *East-Indies* or *China*, by the Way of *Suez*, or by any other Channel, to *Europe*; and in Case any *British* Subject or Subjects shall carry on or be concerned in any such Trade or Traffic as aforesaid, he or they shall forfeit and pay to the said United Company double the Value of the Goods and Merchandizes which shall so be sent to said United Company double the Value of the Goods and Merchandizes which shall so be sent to *Europe*, to be recovered in any Court of Justice in the *East-Indies*, or in his Majesty's Court of King's Bench at *Westminster*.

Suits brought by the Court of Directors against private Traders, & not to be stopped, nor the Penalty or Damages mitigated, &c.

XXXI. And be it further enacted by the Authority aforesaid, That, from and after the first Day of *August*, one thousand seven hundred and eight-one, in Case the Court of Directors for the Affairs of the said United Company shall order any Suit or Suits at Law or in Equity to be brought against any Person or Persons for trading to or from the *East-Indies*, without or beyond the License and Permission of the said United Company, or for any Offence or Offences committed by, or any Misbehaviour of any such Person or Persons, in his or their Station or Employment in the *East-Indies*, it shall not be lawful for the said Court of Directors of the said United Company to put a Stop to such Suit or Suits, or to remit or mitigate the Penalty, Damages, or Satisfaction sought to be recovered thereby, before a final Judgment or Decree shall be obtained in such Suit or Suits.

Regulations relative to raising Recruits for the Company's Service in India.

XXXII. And whereas it is necessary for the said United Company to keep and maintain a military Force in the *East-Indies*, and the present Method of obtaining Recruits to keep up the same hath been found very inconvenient and defective; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful to and for the said United Company, by License from his Majesty for that Purpose, from Time to Time to enlist such Number of Men, being his Majesty's Subjects, and of such Ages, and for such Time, as shall be expressed in such License, to serve them as Soldiers in the *East-Indies*, and to deposit and keep such Men, not exceeding

exceeding two thousand at any one Time in Time of War, and one thousand at any Time in Time of Peace, at such Place or Places, in any Part of his Majesty's Dominions in *Europe*, as shall be approved of for that Purpose by his Majesty, until they can be sent to *India*; and in Case any Person or Persons so enlisting and engaging, after he shall have signed an Agreement for that Purpose, and shall have declared before a Magistrate, at the Distance of twenty-four Hours at the least after his first enlisting, that he freely and voluntarily signed such Agreement, and is willing to go to and serve the said United Company as a Soldier in the *East-Indies*, shall desert from the Place appointed for him to reside at till the Time of his Embarkation to go to the *East-Indies*, or shall refuse to perform his Agreement, it shall be lawful for any Person or Persons to apprehend such Person or Persons, and convey him before a Magistrate; and it shall be lawful for such Magistrate, on Proof of the Case, to commit such Person or Persons to Gaol, there to be kept in safe Custody, and maintained at the Expense of the said United Company, until such Person can be sent to *India*; and it shall be lawful for the said United Company to cause such Person or Persons to be conveyed in Custody on Shipboard, to be carried to the *East-Indies*, in such Service as aforesaid.

Deserters may be committed.

All Vessels belonging to the Company shall be deemed British Ships, within the Meaning of the Navigation Act 12 Car. 2. c. 18.

XXXIII. And whereas Doubts have arisen, whether, agreeable to the Provisions contained in an Act, made in the twelfth Year of the Reign of his Majesty King *Charles* the Second, intituled, *An Act for the encouraging and increasing of Shipping and Navigation*, Goods and Merchandize can lawfully be exported to, and imported from the *East-Indies*, and Places beyond the *Cape of Good Hope*, in Ships and Vessels the Property of the said United Company, by Reason that many Foreigners are Proprietors of Stock of the said United Company: And whereas it is fit and proper that Ships belonging to the said United Company should be considered as *British* Ships; be it therefore enacted by the Authority aforesaid, That all Ships and Vessels belonging to the said United Company, whether built or purchased by the said United Company, shall be considered, deemed, and taken to be *British* Ships, within the true Intent and Meaning of the said Act of the twelfth Year of the Reign of his Majesty King *Charles* the Second; and the said United Company in Respect thereof shall be intitled to all and every the Privileges and Advantages in and by the said Act given and granted to the Owners of Ships wholly belonging to *British* Subjects, the same being navigated in the Manner prescribed by the Laws now in being respecting *British*-built Ships; any Thing in the said Act of the twelfth Year of the Reign of his Majesty King *Charles* the Second in any wise notwithstanding.

Court of Directors to deliver to Commissioners of the Treasury Copies of all Letters and Orders relative to the Management of their Revenues, 14 Days before such Letters are sent;

and to one of the Secretaries of State, Copies of all Letters, &c. relative to their Civil and Military Affairs, &c.

Repealed by 24 Geo. 3. c. 25. s. 30.

XXXIV. *And be it further enacted by the Authority aforesaid, That the Court of Directors of the said United Company shall, and they are hereby required and directed, to deliver to the Commissioners of his Majesty's Treasury, or any three or more of them for the Time being, or to the High Treasury for the Time being, Copies of all such Letters and Orders as shall or may any Way relate to the Management of the Revenues of the said United Company, fourteen Days at the least before the sending or dispatching of such Letters and Orders respectively; and in like Manner shall deliver, to one of his Majesty's principal Secretaries of State, Copies of all such Letters and Orders as shall or may any Way relate to the civil and military Affairs and Government of the said United Company, to any of their Servants in* India, *and such Copies shall be signed by two or more of the Directors of the said United Company; and that the said Court of Directors of the said United Company shall, and they are hereby required to pay due Obedience to, and shall be governed and bound by, such Instructions as they shall receive from his Majesty, by one of his Majesty's principal Secretaries of State, so far as relates to the Conduct and Transactions of the said United Company, and their Governors, Presidents, and Councils respectively, with the Country Powers in the* East-Indies, *and also to the levying War and making Peace, in such Orders as the said Court of Directors shall from thenceforth give to the Governor and Council of their Presidency of* Fort-William *in* Bengal, *and also to their President and Council in the other Settlements respectively belonging to the said United Company: Provided nevertheless, That in Case the Secretary of State, to whom the Copies of such Letters aforesaid shall be delivered, shall not, within fourteen Days after the Delivery thereof, communicate such Orders and Instructions as aforesaid, in Writing, to the said Court of Directors, then, and in such Case, it shall and may be lawful for the said Court of Directors to dispatch and send such Orders to their Servants in* India, *in such Manner as they shall think fit.*

Recital of 13 Geo. 3. c. 63.

XXXV. And whereas by another Act, passed in the thirteenth Year of the Reign of his present Majesty, intituled, *An Act for establishing certain Regulations for the better Management of the Affairs of the* East-India *Company, as well in* India *as in* Europe, it was, among other Things, enacted, That, for the Government of the Presidency of *Fort William* in *Bengal*, there should be appointed a Governor-General, and four Counsellors, and that the Whole civil and military Government of the said Presidency, and also the Ordering, Management, and Government, of all the territorial Acquisitions and Revenues in the Kingdoms of *Bengal*, *Bahar*, and *Orissa*, should,

during such Time as the territorial Acquisitions and Revenues should remain in the Possession of the said United Company, be vested in the said Governor-General and Council of the said Presidency of *Fort William* in *Bengal*; and also that the Governor-General and four first Counsellors, appointed by the said Act, should each of them hold and continue in his and their respective Offices for and during the Term of five Years, from the Time of their Arrival at *Fort William* in *Bengal*, and taking upon them the Government of the said Presidency, and should not be removeable in the mean Time, except by his Majesty, his Heirs and Successors, upon Representation made by the Court of Directors for the said United Company for the Time being, and in Case of the Avoidance of the Office of such Governor-General by Death, Resignation, or Removal, his Place should during the Remainder of the Term aforesaid, as often as the Case should happen, be supplied by the Person of the Council who should stand next in Rank to such Governor-General; and in Case of the Death, Removal, Resignation, or Promotion, of any of the said Council, the Directors of the said United Company were thereby impowered, for and during the Remainder of the said Term of five Years, to nominate and appoint, by and with the Consent of his Majesty, his Heirs and Successors, to be signified as therein is mentioned, a Person to succeed to the Office so become vacant in the said Council; and until such Appointment should be made, all the Powers and Authorities vested in the Governor-General and Council should rest and continue in, and be exercised and executed by, the Governor-General and Council remaining and surviving: And whereas it may be expedient that certain Parts of the said recited Act, which are expired, should be revived and continued, subject to such Variations as herein-after mentioned: be it therefore enacted by the Authority aforesaid, That the Person and Persons who at the Time of the passing of this Act shall have and enjoy the Office and Offices of Governor-General, and Counsellors of the said Presidency, shall hold and continue in his and their respective Offices for and during the Continuance of this Act, and shall not be removeable in the mean Time, except by his Majesty, his Heirs and Successors, upon Representation made by the Court of Directors for the said United Company for the Time being; and shall have and enjoy all and singular the Powers and Authorities vested by the said Act in the first Governor-General and four first Counsellors by the said Act appointed, and shall be subject to the same Restrictions and Limitations as by the said Act the first Governor-General, and first four Counsellors, were made subject; and that in Case of the Avoidance of the Offices of such Governor-General, or any of the said Counsellors, such Office shall be respectively supplied in the same Manner as the same Office would by the said Act have been supplied during the Remainder of the Term of five Years, which was computed from the Time that the first Governor-General, and four first Counsellors, took upon them the Government of the said Presidency.

The Persons who were Governor-General and Counsellors of the Presidency of Fort William in Bengal, at the passing of this Act, shall not be removed during the Continuance of this Act, except by his Majesty, &c. *See* 24 *Geo.* 3. *c.* 25. *and* 26 *Geo.* 3. *c.* 16 *and* 25.

XXXVI. Provided always, and be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Directors of the said United Company, and they are hereby impowered to nominate and appoint, by and with the Consent of His Majesty, his Heirs and Successors, to be signified under his or their Sign Manual, any one of the Council of the said Presidency of *Fort William* in *Bengal*, or any other Person, to succeed to the Place and Office of Governor-General of the said Presidency of *Fort William* in *Bengal*, and from Time to Time to revoke the said Nomination and Appointment; and the Person so nominated and appointed shall succeed to the said Place or Office when the same shall happen to become vacant by the Death, Resignation, or Removal of the Governor-General of the said Presidency for the Time being, and have all and every the Powers and Authorities of Governor-General of the said Presidency of *Fort William* in *Bengal*, in like Manner, as if he had succeeded after a Vacancy had happened; but nevertheless the Person so to be appointed as aforesaid to succeed to the vacant Office of Governor-General of the said Presidency of *Fort William* in *Bengal*, shall not be intitled to any Salary, Perquisite, Allowance, or Advantage whatsoever, as Governor-General, until he shall become intitled unto, and take upon himself the said Office of Governor-General of the said Presidency; and in Case he shall not happen to be at *Fort William* in *Bengal* aforesaid, at the Time the said Vacancy shall happen, then and in such Case the said Office shall be supplied, until the Time of his Arrival at *Fort William* aforesaid, by the Senior Counsellor of the said Presidency.

Directors, with the Consent of his Majesty, may appoint a new Governor-General, in Case of Death, Resignation, &c. *See* 24 *Geo.* 3. *c.* 25. *and* 26 *Geo.* 3. *c.* 16 *and* 25.

but he shall not be intitled to any Salary, as such, until he actually takes upon himself the said Office.

XXXVII. And whereas it may be inconvenient to suffer the Office of a Counsellor of the said Presidency of *Fort William* in *Bengal* to remain vacant till the same can be supplied in *England*, after the Advice of such Vacancy; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful to and for the Directors of the said United Company, and they are hereby impowered, from Time to Time, to nominate and appoint, by and with the Consent of His Majesty, his Heirs and Successors, to be signified under his or their Sign Manual, one or two Persons to succeed respectively to the Office of a Counsellor of the said Presidency of

Directors impowered to appoint, with his Majesty's Consent, two Persons to succeed whenever Vacancies shall happen in the said Presidency, &c. *See* 24 *Geo.* 3. *c.* 25. *s.* 26.

of *Fort William* in *Bengal*, whenever a Vacancy shall happen in that Office by any of the Ways in the said recited Act mentioned, and to declare which of the said two Persons shall first succeed to the said Office of a Counsellor, and upon the first Vacancy in that Office the said Persons respectively shall succeed thereto accordingly, and have all and every the Powers and Authorities of a Counsellor of the said Presidency of *Fort William* in *Bengal*, in like Manner as if he had been appointed thereto after a Vacancy had happened; and it shall and may be lawful for his Majesty, his Heirs and Successors, upon the Representation of the Court of Directors of the said United Company for the Time being, from Time to Time to revoke the Nomination and Appointment of such Persons to succeed to the vacant Office of a Counsellor of the said Presidency, in like Manner as a Counsellor of the said Presidency may be removed from such Office under the Authority of the said recited Act; but, nevertheless, the Persons so to be appointed as aforesaid to succeed to the vacant Office of a Counsellor of the said Presidency, shall not be intitled as a Counsellor to any Salary, Perquisite, Allowance, or Advantage whatsoever, until he shall become intitled unto, and take upon himself, the Office of a Counsellor of the said Presidency.

but the Persons so to be appointed shall not be intitled to any Salary, until they actually take upon themselves the said Office of Counsellor.

XXXVIII. And be it further enacted by the Authority aforesaid, That the Commander in Chief of all the said United Company's Military Forces in the *East-Indies* for the Time being, provided he shall be appointed one of the Counsellors of the said Presidency of *Fort William* in *Bengal*, shall, from Time to Time, and at all Times hereafter, take Rank as Second in Council at the said Presidency, but shall in no Case succeed to the Government of the said Presidency without a special Appointment for that Purpose; but in Case of the Vacancy of Governor-General of the said Presidency at a Time when no Person shall be appointed to succeed to the Office of Governor-General, the Counsellor next in Rank to such Commander in Chief shall succeed to and hold the Office of Governor-General until some other Person shall be appointed thereto, as herein-before is mentioned.

Commander in Chief of the Company's Forces, if appointed a Counsellor, shall take Rank as Second in Council; but shall not succeed as Governor-General, without a special Appointment. *See* 24 *G.* 3. *c.* 25. *s.* 18 & 26. *G.* 3. *c.* 16. *s.* 5.

XXXIX. Provided always, and be it enacted, That nothing herein contained shall extend, or be construed to extend, to prejudice or affect the Rights or Claims of the Public, or the said United Company, respecting the said territorial Acquisitions and Revenues.

Claims to the territorial Acquisitions not affected.

XL. And be it further enacted by the Authority aforesaid, That this Act shall be deemed and taken to be a Public Act; of which Notice shall be judicially taken by all Judges, Justices, and all other Persons whatsoever, without specially pleading the same.

Public Act

21 GEORGII III. Cap. LXX.

An Act to explain and amend so much of an Act, made in the Thirteenth Year of the Reign of his present Majesty, intituled, An Act for establishing certain Regulations for the better Management of the Affairs of the *East-India* Company, as well in *India* as in *Europe, as relates to the Administration of Justice in* Bengal; *and for the Relief of certain Persons imprisoned at* Calcutta *in* Bengal, *under a Judgment of the Supreme Court of Judicature; and also for indemnifying the Governor-General and Council of* Bengal, *and all Officers who have acted under their Orders or Authority, in the undue Resistance made to the Process of the Supreme Court.*

Preamble.

WHEREAS, in Virtue of an Act passed in the Thirteenth Year of his present Majesty's Reign, intituled, *An Act for establishing certain Regulations for the better Management of the Affairs of the* East-India *Company, as well in* India *as in* Europe, his Majesty, by his Royal Letters Patent of the Twenty-sixth Day of *March*, in the Fourteenth Year of his Reign, did create and constitute a Court of Record, to be within the Factory of *Fort William*, at *Calcutta* in *Bengal*, called *The Supreme Court of Judicature at Fort William in Bengal*, with sundry Directions, Powers, and Authorities to the said Court, in the said Letters Patent set forth and expressed: And whereas many Doubts and Difficulties have arisen concerning the true Intent and Meaning of certain Clauses and Provisions in the said Act and Letters Patent, and by Reason thereof Dissension hath arisen between the Judges of the Supreme Court and the Governor-General and Council of *Bengal*; and the Minds of many Inhabitants, subject to the said Government, have been disquieted with Fears and Apprehensions; and further Mischiefs may possibly ensue from the said Misunderstandings and Discontents, if a seasonable and suitable Remedy be not

Recital of 13 Geo. 3. c. 63.

not provided: And whereas it is expedient that the lawful Government of the Provinces of *Bengal*, *Bahar*, and *Orissa*, should be supported, that the Revenues thereof should be collected with Certainty, and that the Inhabitants should be maintained and protected in the Enjoyment of all their ancient Laws, Usages, Rights, and Privileges: May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Governor-General and Council of *Bengal* shall not be subject, jointly or severally, to the Jurisdiction of the Supreme Court of *Fort William* in *Bengal*, for or by Reason of any Act or Order, or any other Matter or Thing whatsoever, counselled, ordered, or done by them in their public Capacity only, and acting as Governor-General and Council.

The Governor-General and Council of Bengal not to be subject to the Supreme Court.

II. And it is hereby enacted and declared, That if any Person or Persons shall be impleaded, in any Action or Process, civil or criminal, in the said Supreme Court, for any Act or Acts done by the Order of the said Governor-General and Council in Writing, he or they may plead the general Issue, and give the said Order in Evidence; which said Order, with Proof that the Act or Acts done has or have been done according to the Purport of the same, shall amount to a sufficient Justification of the said Acts, and the Defendant shall be fully justified, acquitted, and discharged from all and every Suit, Action, and Process whatsoever, civil or criminal, in the said Court.

Persons impleaded in the Supreme Court for Acts done by Order of the Governor-General, &c. may plead the general Issue.

III. Provided always, That with Respect to such Order or Orders of the said Governor-General and Council as do or shall extend to any *British* Subject or Subjects, the said Court shall have and retain as full and competent Jurisdiction as if this Act had never been made.

Proviso.

IV. Provided also, That nothing herein contained shall extend, or be construed to extend, to discharge or acquit the said Governor-General and Council, jointly or severally, or any other Person or Persons acting by or under their Order, from any Complaint, Suit, or Process, before any competent Court in this Kingdom, or to give any other Authority whatsoever to their Acts, than Acts of the same Nature and Description had, by the Laws and Statutes of this Kingdom, before this Act was made.

The Governor-General, &c. to remain liable to any Complaint before a competent Court in this Kingdom.

V. And, in Order to prevent all Abuse of the Powers given to the Governor-General and Council, be it further enacted, That in Case any Person, by himself, or his Attorney or Counsel, shall make a Complaint to the Supreme Court, and enter the same in Writing, and upon Oath, of any Oppression or Injury, charging the same to be committed by the said Governor-General, or any Member or Members of the Council, or any other Person or Persons by or in Virtue of any Order given by the said Governor-General and Council, and shall execute a Bond, with some other Person whom the said Court shall deem responsible, jointly and severally, to the United *East-India* Company, in such a Penalty as the Court shall appoint, effectually to prosecute the said Complaint by Indictment, Information, or Action, in some competent Court in *Great-Britain*, within two Years of the making of the same, or of the Return into *Great-Britain* of the Party or Parties against whom the same is made; That then, and in such Case, the Party complaining shall be, and is hereby enabled to compel, by Order of the Court, the Production in the said Supreme Court of true Copy or Copies of the Order or Orders of Council complained of, and to have the same authenticated by the Court, and to examine Witnesses upon the Matter of the said Complaint, and also on the Part of the Person or Persons complained of; and the said Parties, as well complaining as complained of, shall have and enjoy severally all Manner of Advantages, Rights, and Privileges, relative to Proof of the said Complaint or Defence, and also relative to any *Mandamus* or Commission to be issued by any of his Majesty's Courts in *Westminster-Hall*, in Case the Court upon Motion shall think fit to issue the same, as are provided in Case of any Suit in such Cases by an Act of the thirteenth Year of his Majesty's Reign, intituled, *An Act for establishing certain Regulations for the better Management of the Affairs of the* East-India *Company, as well in* India *as in* Europe; and the Supreme Court shall have the same Powers for the compelling Witnesses to appear and be examined, and the same Rules and Directions shall be observed for the transmitting the Depositions of Witnesses and other Papers to this Kingdom, as are provided by the said recited Act.

If any Person making Complaint to the Supreme Court against the Governor-General, &c. shall execute a Bond to the Company to prosecute the same in some competent Court in Great-Britain, &c.

such Person may compel, by Order of the Court, the Production of Copies of the Orders complained of, &c.

VI. And be it further enacted, That all Copies so authenticated of Orders of the said Governor-General and Council, and also the Depositions which shall have been taken in Manner aforesaid before the Supreme Court, shall be received in Evidence in any of his Majesty's Courts of Law or Equity at *Westminster*.

Authenticated Copies of Orders, &c. shall be received in Evidence in the Courts at Westminster.

VII. And

VII. And be it further enacted, That no Prosecution or Suit shall be carried on against the said Governor-General, or any Member of the Council, before any Court in *Great-Britain*, (the High Court of Parliament only excepted), unless the same shall be commenced within five Years after the Offence committed, or within five Years after his Arrival in *England*.

Limitation of Actions.

VIII. And be it further enacted, That the said Supreme Court shall not have or exercise any Jurisdiction in any Matter concerning the Revenue, or concerning any Act or Acts ordered or done in the Collection thereof, according to the Usage and Practice of the Country, or the Regulations of the Governor-General and Council.

Supreme Court not to have any Jurisdiction in any Matter concerning the Revenue.

IX. And, for removing all Doubts concerning the Persons subject to the Jurisdiction of the said Supreme Court, be it enacted, That no Person shall be subject to the Jurisdiction of the Supreme Court, for or by Reason of his being a Landowner, Landholder, or Farmer of Land, or of Land Rent, or for receiving a Payment or Pension in Lieu of any Title to, or ancient Possession of, Land or Land Rent, or for receiving any Compensation or Share of Profits for collecting of Rents payable to the Public out of such Lands or Districts as are actually farmed by himself, or those who are his Under-tenants in Virtue of his Farm, or for exercising within the said Lands and Farms any Ordinary or Local Authority commonly annexed to the Possession or Farm thereof, within the Provinces of *Bengal*, *Bahar*, and *Orissa*; or for or by Reason of his becoming Security for the Payment of the Rents reserved or otherwise payable out of any Lands or Farms, or Farms of Land, within the Provinces of *Bengal*, *Bahar*, and *Orissa*.

No Person shall be subject to the Jurisdiction of the Supreme Court on Account of his being a Landowner or Farmer of Land, &c.

X. And be it further enacted, That no Person, for or by Reason of his being employed by the Company, or the Governor-General and Council, or by any Person deriving Authority under them, or for or on Account of his being employed by a Native or Descendant of a Native of *Great-Britain*, shall become subject to the Jurisdiction of the Supreme Court in any Matter of Inheritance or Succession to Lands or Goods, or in any Matter of Dealing or Contract between Party or Parties, except in Actions for Wrongs or Trespasses, and also except in any civil Suit by Agreement of Parties in Writing to submit the same to the Decision of the said Court.

nor for being employed by the Company, &c.

except in Actions for Trespasses, &c.

XI. And, for the more perfectiy ascertaining those of the Natives who shall be subject to the Jurisdiction of the Supreme Court, on Account of their being employed by any of his Majesty's *British* Subjects; be it enacted, That, on or before the first Day of *January*, one thousand seven hundred and eighty-three, the Governor-General and Council shall cause the Name, Description, and Place of usual Abode, of all and every Native employed in the Service of the *East-India* Company in any judicial Office, or as principal native Officer of any District in the Collection of Revenue, or in any commmercial Concerns of the Company, (except as hereinbefore excepted), to be entered in a Book or Books alphabetically disposed, distinguishing the District in which the said Officers are employed; of which Book or Books two Copies shall be made, one of which shall remain in the provincial Office, and the other of which shall be registered in the Supreme Court; and the Governor-General and Council are hereby required to register, or cause to be registered, the Name of every Person who shall afterwards be appointed to succeed to any Office vacant or new created, within three Months of the said Appointment or Creation.

The Name, Description, and Place of Abode, of every Native employed in the Service of the Company, in any judicial Office, &c. shall be entered in a Book.

XII. And be it further enacted, That whenever any Person or Persons shall happen to die, or shall be removed from any judicial Office or Employment whatsoever, in the Service of the *East-India* Company, the Name or Names of such Person or Persons so dying or removed, as aforesaid, shall be entered in a Book or Books for that Purpose, to be kept in the Manner aforesaid.

On the Death of any Person employed by the Company, his Name shall be entered in a Book.

XIII. And it is hereby further enacted, That all and every of his Majesty's *British* Subjects shall, in like Manner, cause to be entered in the provincial Office of the District in which the said *British* Subject doth most commonly reside, the Name, Description, and Place of Abode, of his native Steward or Stewards, Agent or Agents, or Partner or Partners, in any Concern of Revenue or Merchandize (if any such Steward, Agent, or Partner he hath), and in like Manner shall enter, or cause to be entered, within three Months from the Time of Succession, or new Appointment, or new Partnership, the Names of him or them who are dismissed, dead, or new appointed, in the said provincial Office; and the President of the said Council is directed to transmit, within three Months, to *Calcutta*, the Name of every Person who shall succeed to the said Employment or Partnership, for which a Fee of one *Sicca* Rupee for every Entry, and no more, shall be paid to the Officer keeping the said Register.

All British Subjects shall enter, in the provincial Office, the Name and Place of Abode of their native Stewards, Agents, &c.

Penalty on British Subjects employing any native Agent, &c. not so registered.

XIV. And be it further enacted, That if any *British* Subject shall be convicted, before the Supreme Court, of employing any native Agent, or engaging with any native Partner, not registered as herein-before is provided, or who shall be, *bonâ Fide*, and in Effect and Substance, such Agent or Partner (although by Covin, Collusion, or Deceit, the same may be recovered and concealed, contrary to the true Intent and Meaning of this Act), the said *British* Subject, if in the Company's Service, shall forfeit, on Conviction, the Sum of five hundred Pounds, and if not in the Company's Service, shall forfeit one hundred Pounds, to any Person suing for the same.

No Native entitled to any Salary before he is registered.

XV. And it is hereby further enacted, That no Native shall, after the first Day of *January*, one thousand seven hundred and eighty-three, be entitled to receive any Fee or Salary, except from the Day of the Date of his Registry.

Penalty on British European Subjects engaging in Trade with native Partners not registered.

XVI. And be it further enacted, That if any *British European* Subject shall engage in any Concern of Trade with a native Partner not registered as herein directed, the said *British* Subject shall not be entitled to recover or receive any Sum or Sums of Money by Reason of the said joint Concern, or to compel an Account thereof, by any Suit in Law or Equity, in any Court within the said Provinces; and any Person, prosecuting to Conviction, in the Supreme Court, a *British* Subject having a native Partner or Agent not being registered as aforesaid, shall be entitled to, and shall recover, by due Process of the said Court, the whole of the Salary engaged for, and shall also be entitled to an Account and Receipt of the said *British* Subject's Share of Profit of any Partnership entered into with any Person or Persons not conforming to the Regulations of this Act.

How the Supreme Court shall determine Actions between Mahomedan and Gentû Inhabitants of Calcutta.

XVII. Provided always, and be it enacted, That the Supreme Court of Judicature at *Fort William* in *Bengal*, shall have full Power and Authority to hear and determine, in such Manner as is provided for that Purpose in the said Charter or Letters Patent, all and all Manner of Actions and Suits against all and singular the Inhabitants of the said City of *Calcutta*; provided that their Inheritance and Succession to Lands, Rents, and Goods, and all Matters of Contract and Dealing between Party and Party, shall be determined, in the Case of *Mahomedans*, by the Laws and Usages of *Mahomedans*, and in the Case of *Gentûs*, by the Laws and Usages of *Gentûs*; and where only one of the Parties shall be a *Mahomedan* or *Gentû*, by the Laws and Usages of the Defendant.

The Authority of Fathers and Masters of Families, among the Natives, to be preserved, &c.

XVIII. And, in Order that Regard should be had to the civil and religious Usages of the said Natives, be it enacted, That the Rights and Authorities of Fathers of Families, and Masters of Families, according as the same might have been exercised by the *Gentû* or *Mahomedan* Law, shall be preserved to them respectively within their said Families; nor shall any Acts done in Consequence of the Rule and Law of Cast, respecting the Members of the said Families only, be held and adjudged a Crime, although the same may not be held justifiable by the Laws of *England*.

The Supreme Court may frame such Forms of Process, &c. in Suits against the Natives, as shall suit their Religion and Manners.

XIX. And be it further enacted, That it shall and may be lawful for the Supreme Court of Judicature at *Fort William* in *Bengal*, to frame such Process, and make such Rules and Orders for the Execution thereof, in Suits civil or criminal against the Natives of *Bengal*, *Bahar*, and *Orissa*, as may accommodate the same to the Religion and Manners of such Natives, so far as the same may consist with the due Execution of the Laws and Attainment of Justice.

Such Forms to be transmitted to one of the Secretaries of State for his Majesty's Approbation.

XX. Provided always, and be it enacted, That such new Forms of Process, and Rules and Orders for the Execution thereof, shall be forthwith transmitted to one of his Majesty's principal Secretaries of State, to be laid before his Majesty, for his Royal Approbation, Correction, or Refusal; and such Process shall be used, and such Rules and Orders shall be observed, until the same shall be repealed or varied, and in the last Case, with such Variations as shall be made therein.

The Governor General, &c. may determine on Appeals, and shall be deemed a Court of Record;

XXI. And whereas the Governor-General and Council, or some Committee thereof or appointed thereby, do determine on Appeals and References from the Country or Provincial Courts in Civil Causes; be it further enacted, That the said Court shall and lawfully may hold all such Pleas and Appeals, in the Manner and with such Powers as it hitherto hath held the same, and shall be deemed in Law a Court of Record; and the Judgments therein given shall be final and conclusive, except upon Appeal to his Majesty, in Civil Suits only, the Value of which shall be five thousand Pounds and upwards.

and shall determine on all Offences committed in collecting the Revenue, &c.

XXII. And it is hereby further enacted, That the Court aforesaid shall, and is hereby declared to be a Court to hear and determine on all Offences, Abuses, and Extortions, committed in

in the Collection of Revenue, or of Severities used beyond what shall appear to the said Court customary or necessary to the Case, and to punish the same according to sound Discretion, provided the said Punishment does not extend to Death, or Maiming, or perpetual Imprisonment.

The said Court may frame Regulations for the Provincial Courts, &c.

XXIII. And it is hereby enacted, That the Governor-General and Council shall have Power and Authority, from Time to Time, to frame Regulations for the Provincial Courts and Councils; and shall, within six Months after the making the said Regulations, transmit, or cause to be transmitted, Copies of all the said Regulations to the Court of Directors, and to one of his Majesty's principal Secretaries of State; which Regulations his Majesty in Council may disallow or amend; and the said Regulations, if not disallowed within two Years, shall be of Force and Authority to direct the said Provincial Courts, according to the Tenor of the said Amendment, provided the same do not produce any new Expense to the Suitors in the said Court.

Judicial Officers in the Country Courts not liable to Actions for Wrong, &c. in the Supreme Court for their Decrees, &c.

XXIV. And whereas it is reasonable to render the provincial Magistrates, as well Natives as *British* Subjects, more safe in the Execution of their Office; be it enacted, That no Action for Wrong or Injury shall lie in the Supreme Court, against any Person whatsoever exercising a judicial Office in the Country Courts, for any Judgment, Decree, or Order of the said Court, nor against any Person for any Act done by or in Virtue of the Order of the said Court.

No Rule, &c. shall be made on Information against any such Officer, until proper Notice has been given to him.

XXV. And be it further enacted, That in Case of an Information intended to be brought or moved for against any such Officer or Magistrate, for any corrupt Act or Acts, no Rule or other Process shall be made or issued thereon until Notice be given to the said Magistrate or Officer, or left at his usual Place of Abode, in Writing, signed by the Party or his Attorney, one Month, if the Person exercising such Office shall reside within fifty Miles of *Calcutta*, two Months if he shall reside beyond fifty Miles, and three Months if he shall reside beyond one hundred Miles from *Calcutta*, before the suing out or serving the same; in which Notice the Cause of Complaint shall be fully and explicitly contained; nor shall any Verdict be given against such Magistrate, until it be proved on Trial that such Notice hath been given, and in Default of such Proof, a Verdict with Costs shall be given for the Defendant.

No such Magistrate liable to Arrest, until he shall have declined to appear to Answer, &c.

XXVI. And be it further enacted, That no Magistrate shall be liable, in any such Case, to any personal Caption or Arrest, nor shall be obliged to put in Bail, until he shall have declined to appear to answer after Notice given as directed by this Act, and Service of the Process directing his Appearance by himself or his Attorney.

Certain Natives, Prisoners in Calcutta, to be discharged;

XXVII. And whereas certain Natives of *India* residing at *Patna*, by the Names and Descriptions of *Mir Burcut Ulla*, and *Gullam Muedum*, Men of the Law, attendant on the Provincial Council of *Patna*, and a Native of *Hindostan*, called *Behader Beg*, are now, and have been for upwards of two Years, imprisoned at *Calcutta*, in Execution for Damages recovered against them in certain Actions in the said Supreme Court: And whereas, through Ignorance or other Misapprehension of the Law, the Time during which an Appeal might have been presented to his Majesty in the Privy Council, hath expired; be it therefore enacted, That the said three Persons shall be forthwith discharged from the said Imprisonment by the Person or Persons in whose Custody they now are, or shall be, by Virtue of the said Executions, on Security being given for the Damages recovered; which Security the Governor-General and Council are hereby required to cause to be given on their Behalf; and that it shall be competent to appeal to his Majesty in Council against the aforesaid Judgment, in like Manner, and to the same Effect, as if such Appeal had been presented within the Time for that Purpose limited by the Charter.

on Security being given for Damages by the Governor-General and Council.

The Governor-General, &c. indemnified for resisting the Execution of the Orders of the Supreme Court.

XXVIII. And whereas, in the late Dissensions between the Governor-General and the Judges in *Bengal*, many Things have been done not justifiable by the strict Rules of the Law; it is hereby further enacted and declared by the Authority aforesaid, That the said Governor-General and Council, and Advocate-General, are jointly and severally, and all Persons acting under their Orders, so far as the same relates to the Resistance to any Process of the Supreme Court, from the first Day of *January*, one thousand seven hundred and seventy-nine, to the first Day of *November*, one thousand seven hundred and eighty, be, and are hereby indemnified, discharged, and saved harmless from any Action, Suit, or Prosecution whatsoever, for or on Account of the said Disobedience and Resistance to the Execution of the Orders of the said Court.

22 GEORGII III. Cap. XXI.

An Act to extend so much of two Acts, of the twentieth and twenty-first Years of His present Majesty's Reign, as relate to the Sale of, and ascertaining the Duties upon, East-India *Goods, to Tea, and all other Goods of the Growth, Product, or Manufacture of* China, *or any Country within the Limits of the* East-India *Company's Charter, which have been, or shall, during the present Hostilities, be brought into this Kingdom, and condemned as Prize; for equalizing the Duties upon, and regulating the Importation, of Foreign Snuff into this Kingdom; and for preventing the Importation and Running of Foreign Spirituous Liquors, Tea, and other prohibited Goods, into this Kingdom, in Vessels fitted out and armed as Privateers.*

[So much thereof as relates to the *East-India Company*.]

Preamble. Recital of 20 Geo. 3. c. 9.

WHEREAS by an Act of Parliament, made in the twentieth Year of the Reign of his present Majesty, intituled, *An Act for extending the Provisions of Two Acts, made in the eighteenth Year of his present Majesty's Reign, and in the last Session of Parliament, with Respect to bringing Prize Goods into this Kingdom, to* Spanish *Prize Goods; and for repealing so much of the said last-mentioned Act as relates to the Certificates for Prize Tea and* East-India *Goods exported from this Kingdom to* Ireland; *for the Removal of* East-India *Goods condemned as Prize at any Out-port to* London *for Sale, and of Prize Goods for Exportation; and for reducing the Duty on foreign Prize Tobacco;* it is, amongst other Things, enacted, That all Goods of the Growth, Produce, or Manufacture of the *East-Indies*, taken as Prize, during the present Hostilities with *France* or *Spain*, and carried into any Out-port of this Kingdom, and condemned as Prize, shall be brought to *London*, under the Restrictions and Securities in the said Act mentioned, and be publicly exposed to Sale in the City of *London*; and that the Duties due and payable for such Goods shall be thereupon computed and charged, by the proper Officers of the Customs and Excise respectively concerned therein, by the same Rules, Regulations, and Restrictions, in all Respects, (excepting any Allowance for Warehouse Rent,) as the Duties payable upon the like Goods imported by, and sold at the Sales of, the United Company of Merchants of *England* trading to the *East-Indies*, are computed and charged, and the Duties due by Law thereon shall be accordingly paid and applied: And whereas, by another Act, made in the last Session of Parliament, intituled, *An Act for extending the Provisions of three Acts, made in the eighteenth, nineteenth, and twentieth Years of his present Majesty's Reign, with Respect to bringing Prize Goods into this Kingdom, to Prizes taken from the States-General or the* United Provinces; *for declaring what Goods shall be deemed Military or Ship Stores; for regulating the Sale of, and ascertaining the Duties upon,* East-India *Goods condemned as Prize in the Port of* London; *for permitting the Purchasers of Prize Goods condemned Abroad to import such Goods into this Kingdom, under the like Regulations and Advantages as are granted by Law to Captors themselves; and for reducing the Duties on foreign Prize Tobacco;* it is, amongst other Things, enacted, That all such *East-India* Goods as shall be brought into, and condemned as Prize in the Port of *London*, shall be publicly exposed to Sale in the City of *London*, and the Duties due and payable thereon shall be computed and paid by the same Rules, Regulations, and Restrictions, in all Respects, as are prescribed by the herein-before recited Act of the twentieth Year of his Majesty's Reign, for the like Goods carried into any Out-port in this Kingdom, and there condemned, and afterwards brought to the Port of *London* for Sale: And whereas Doubts have arisen whether the herein-before recited Acts do extend to Tea, and all other Goods which are usually imported into this Kingdom by the *East-India* Company: May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts, and the several Rules and Restrictions therein prescribed, so far as they relate to any Goods of the Growth, Product, or Manufacture of the *East-Indies*, condemned as Prize in this Kingdom, shall in like Manner extend, and be construed to extend, to Tea, and all other Goods or Commodities whatsoever of the Growth, Product, or Manufacture of *China*, or any other Country or Place within the Limits of the Charter granted to the United Company of Merchants of *England* trading to the *East-Indies*, which have been, or shall, during the present Hostilities, be brought into any Port of this

and 21 *Geo.* 3. c. 5.

The recited Acts, so far as they relate to East-India Goods, extended to Tea, &c. which has been, or shall be, during the present Hostilities, brought into this Kingdom, and condemned as Prize.

this Kingdom, and condemned as Prize, as fully and effectually, to all Intents and Purposes, as if such Tea, and other Goods, had been particularly and expressly enumerated in the said Acts.

IV. And whereas the clandestine Importation and Running of Spirits, Tea, and other prohibited Goods, into this Kingdom, has, since the present Hostilities, been carried on to a great degree in large Vessels fitted out and armed as Privateers: And whereas, by Means of this illicit Commerce, so prejudicial to the Public Revenue, and the fair Trader, the Powers with whom *Great-Britain* is now at War may, and it is apprehended do, often receive Intelligence very detrimental to this Kingdom: For the better preventing whereof, be it further enacted by the Authority aforesaid, That, from and after the first Day of *May*, one thousand seven hundred and eighty-two, if any Ship or Vessel whatsoever, which shall be commissioned by Letters of Marque, or general Reprisals, or otherwise, by his Majesty's Commissioners for executing the Office of Lord High Admiral of *Great-Britain*, shall be found at Sea in any Part of this Kingdom, at any Distance from the Coasts thereof, having on Board any foreign Brandy, or other foreign spirituous Liquors, in any Vessels or Casks which shall not contain sixty Gallons at the least, except only for the Use of the Seamen then belonging to and on Board such Ship or Vessel, not exceeding two Gallons for each Seaman, or any Tea, not exceeding the Quantity of six Pounds Weight, or any other Goods whatsoever which are or may be liable to Forfeiture, by any Act of Parliament, upon being imported into *Great-Britain*, then not only all such Goods, but also the Ship or Vessel on Board which they shall be found as aforesaid, with all her Guns, Furniture, Ammunition, Tackle, and Apparel, shall be forfeited and lost, and the same shall and may be carried and delivered into the Care and Custody of the Collector and Comptroller of his Majesty's Customs, at any Port in this Kingdom which shall be nearest to the Place where such Ship or Vessel shall be found, and the same shall be seized, prosecuted, recovered, and disposed of, by such Ways and Rules, and in such Manner and Form, as such Vessels and Goods would be liable to be seized, prosecuted, recovered, and disposed of, by any Law in Force, if the same had been found within the Limits of any Port of this Kingdom; and the Letters of Marque, or general Reprisal, or any other Commission granted for such Ship or Vessel, shall be null and void; any Law, Custom, or Usage, to the contrary notwithstanding.

Privateers having on Board foreign Spirits in any Vessel less then 60 Gallons, or Tea, &c. above a certain Quantity, shall be forfeited, with all their Guns, &c.

Amended in Respect to Tea by 22 Geo. 3. c. 49.

22 GEORGII III. Cap. XLIX.

An Act to rectify a Mistake in an Act of this Session of Parliament, with Respect to preventing the Importation and Running of Tea into this Kingdom, in armed Vessels having Letters of Marque, or other Commissions from the Admiralty.

Preamble. Recital of c. 21. of the present Session.

WHEREAS by an Act made in this present Session of Parliament, intituled; *An Act to extend so much of two Acts, of the twentieth and twenty-first Years of his present Majesty's Reign, as relate to the Sale of, and ascertaining the Duties upon,* East-India *Goods, to Tea, and all other Goods of the Growth, Product, or Manufacture of* China, *or any Country within the Limits of the* East-India *Company's Charter, which have been, or shall, during the present Hostilities, be brought into this Kingdom, and condemned as Prize; for equalizing the Duties upon, and regulating the Importation of foreign Snuff into this Kingdom; and for preventing the Importation and Running of foreign spirituous Liquors, Tea, and other prohibited Goods, into this Kingdom, in Vessels fitted out, and armed as Privateers;* it is, amongst other Things, enacted, That if any Ship or Vessel whatsoever, which shall be commissioned by Letters of Marque, or general Reprisals, or otherwise, by his Majesty's Commissioners for executing the Office of Lord High Admiral of *Great-Britain*, shall be found at Sea, in any Part of this Kingdom, at any Distance from the Coasts thereof, having on board, amongst other Goods, in the said Act mentioned, any Tea, not exceeding the Quantity of six Pounds Weight, then not only all such Goods, but also the Ship or Vessel on Board which they shall be found as aforesaid, with all her Guns, Furniture, Ammunition, Tackle, and Apparel, shall be forfeited and lost: And whereas it was intended that the said Forfeitures in the said Act should extend to such Ships or Vessels as should be found as aforesaid having any Tea exceeding the Quantity of six Pounds Weight on board thereon; but the Words *not exceeding* are by Mistake inserted in the said Act,

instead

instead of the Word *exceeding*: May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Act shall extend, and be construed to extend, to any such Ships or Vessels only, which shall be found as aforesaid having any Tea exceeding the Quantity of six Pounds Weight on Board thereon; and such Tea, and also the Ship or Vessel on Board which the same shall be found as aforesaid, with all her Guns, Furniture, Ammunition, Tackle, and Apparel, shall be forfeited, and shall and may be seized, prosecuted, recovered, and disposed of, as directed by the said recited act, as fully and effectually, to all Intents and Purposes, as if the said Word *not* had been omitted to be inserted therein; any Thing in the said recited Act contained to the contrary notwithstanding.

A Mistake in the recited Act rectified.

22 GEORGII III. Cap. LI.

An Act to discharge and indemnify the United Company of Merchants of England *trading to the* East-Indies, *from all Damage, Interests, and Losses, in Respect to their having made Default in certain Payments due to the Public, on such Payments being made at a future stipulated Time, and to enable the said Company to continue a Dividend of eight Pounds* per Centum *to the Proprietors of their Stock for the present Year.*

Preamble, stating that the Company owe 396,466l. 2s. 6d. for Customs, and 100,000l. being the last Instalment of 400,000l. secured by 21 Geo. 3. c. 65.

WHEREAS the United Company of Merchants of *England* trading to the *East-Indies*, stand indebted to his Majesty, for Customs on Goods imported, in sundry Sums of Money, amounting together to the Sum of three hundred ninety-six thousand four hundred sixty-six Pounds, two Shillings, and six Pence, after making certain Deductions and Allowances, to which by Law, the said Company are intitled, on due Payment of the said Customs on or before the respective Days on which the same become due; which said Customs became due at the several and respective Times herein-after mentioned; that is to say, The Sum of one hundred sixty-three thousand three hundred sixty-seven Pounds, twelve Shillings, and four Pence, Part thereof, on the first Day of *December*, one thousand seven hundred and eighty-one; the Sum of one hundred ninety-one thousand eight hundred sixty-eight Pounds, four Shillings, and eight Pence, other Part thereof, on the twenty-third Day of *January*, one thousand seven hundred and eighty-two; the Sum of fifteen thousand nine hundred thirty-one Pounds, and seventeen Shillings, other Part thereof, on the twenty-second Day of *February*, one thousand seven hundred and eighty-two; the Sum of two thousand one hundred and fifty Pounds, four Shillings, and six Pence, other Part thereof, on the twenty-third Day of *February*, one thousand seven hundred and eighty-two; the Sum of twenty-three thousand one hundred forty-eight Pounds, and four Shillings, Residue thereof, on the twenty-sixth Day of *February*, one thousand seven hundred and eighty-two: And whereas, by Means of the said Customs not being paid at the respective Times the same became due as aforesaid, the said Company, besides losing the Benefit of the said Deductions and Allowances, are liable to pay Interest for the same, at and after the Rate of six Pounds *per Centum per Annum*: And whereas by an Act, made in the twenty-first Year of the Reign of his present Majesty, intituled, *An Act for establishing an Agreement with the United Company of Merchants of* England *trading to the* East-Indies, *for the Payment of the Sum of four hundred thousand Pounds, for the Use of the Public, in full Discharge and Satisfaction of all Claims and Demands of the Public from the Time the Bond Debt of the said Company was reduced to one million five hundred thousand Pounds, until the first Day of* March, *one thousand seven hundred and eighty-one, in Respect of the territorial Acquisitions and Revenues lately obtained in the* East-Indies; *and also for securing to the Public in Respect thereof, for a Term therein mentioned, a certain Part or Proportion of the clear Revenues and Profits of the said Company; and for granting to the said Company, for a further Term, the sole and exclusive Trade to and from the* East-Indies, *and Limits therein mentioned; and for establishing certain Regulations for the better Management of the Affairs of the said Company, as well in* India *as in* Europe, *and the recruiting the military Forces of the said Company*; it was, amongst other Things, enacted, That the Sum of four hundred thousand Pounds should, by the said United Company, be paid into the Receipt of his Majesty's Exchequer, at the Times, and in the Proportions therein mentioned, the

Recital of 21 Geo. 3. c. 65.

the last of which Payments was of the Sum of one hundred thousand Pounds, and was to have been made on the first Day of *December*, one thousand seven hundred and eighty-one, for the Use of the Public, as therein is mentioned; and in Case the said United Company should make Failure in any of the said Payments, on or before the Days therein mentioned, then the Money, whereof such Failure in Payment should be made, should be recovered to his Majesty's Use, by such Action or Suit as therein is mentioned; and upon such Action or Suit there should be further recovered to his Majesty's Use, against the said United Company, Damages after the Rate of fifteen Pounds *per Centum per Annum*, for the respective Monies so unpaid contrary to the said Act, together with full Costs of Suit: And it was thereby further enacted, That, from and after the first Day of *March*, one thousand seven hundred and eighty-one, for and during so long Time as the said United Company, under the Authority of that Act, should be intitled to the whole, sole, and exclusive Trade and Traffic in, to, and from the *East-Indies*, and Places aforesaid, the Whole clear Profits arising from the said territorial Acquisitions and Revenues, after defraying the Charges and Expenses attending the same, together with all the clear Revenues and Profits of the said Company, after providing for the current Payments of Interest, and other Outgoings, Charges, and Expenses of the said Company, should, from Time to Time, be disposed of and applied in Manner therein and herein-after mentioned; that is to say, It should be lawful for the said United Company to set apart and retain, in the first Place, in each and every Year, such Sum as should be equal to eight Pounds *per Centum per Annum*, upon the capital Stock of the said United Company of three millions two hundred thousand Pounds; and in Case there should remain a Surplus of the said clear Revenues and Profits, above the said Sum of eight Pounds *per Centum per Annum*, so to be retained by the said United Company as aforesaid, three-fourth Parts of such surplus Profits should be set apart, and applied for the Use of the Public, and the remaining fourth Part thereof should be reserved and retained by the said United Company for their own Use: And it was thereby further enacted, That it should be lawful for the said United Company to apply such Money as they were therein-before authorised to retain to themselves, and also other Money in the said Act mentioned, in the Payment of Dividends to the Proprietors of the Stock of the said United Company, not exceeding the Rate of twelve Pounds and ten Shillings *per Centum per Annum*, provided the Bond Debt of the said United Company did not at any such Time exceed one million five hundred thousand Pounds; and provided that they did not increase the present Dividend of eight Pounds *per Centum per Annum*, more than at the Rate of one Pound *per Centum* in each and every Year: And, in Order to ascertain the yearly net Profits arising from the said United Company's Trade and Revenues, it was further enacted, That the said United Company should cause to be made up yearly, for each and every Year during the Term therein mentioned, with as much Accuracy as the Nature of the Case would admit, a Statement of the Profit and Loss upon the Whole of the Trade and Revenues of the said United Company, together with a State of the Debts of the said United Company in *England*, from the first Day of *March* in every Year, to the first Day of *March* in each succeeding Year; which said Account was to be signed and delivered to the Commissioners of his Majesty's Treasury, or the High Treasurer for the Time being, as therein is mentioned: And whereas a Statement hath been duly made up of the Profit and Loss upon the whole of the Trade and Revenues of the said United Company, from the first Day of *March*, one thousand seven hundred and eighty-one, to the first Day of *March*, one thousand seven hundred and eighty-two, whereby it appears, that the net Profits of the said United Company, in that Year, did not amount to so much as a Dividend upon the Stock of the said United Company, at the Rate of eight Pounds *per Centum per Annum*, by the Sum of twenty-two thousand and twenty-three Pounds: And whereas, by Means of the late Arrival of eighteen of the said United Company's Ships from *India* and *China*, in the last Year, whose Cargoes could not be disposed of, and converted into Money, within the usual Period, and by Means of the Payments made by the said United Company, to the Use of the Public, of the Sum of three hundred thousand Pounds, in Part of the said Sum of four hundred thousand Pounds, the said United Company were not able to pay the said Customs, and the said remaining Sum of one hundred thousand Pounds, at the respective Times the same became due, without borrowing Money for those Purposes; wherefore the Commissioners of his Majesty's Treasury consented to postpone the said Payments to the twenty-first Day of *June*, one thousaad seven hundred and eighty-two; and as the Default of the said Company, in Respect to the said Payments arose by such Means as aforesaid, and the said Company are still in Distress, it is fit that the said Payments should be further postponed, and that the said Company should be discharged and indemnified from all Damages, Interest, Losses, and Disadvantages arising thereby; and it is also fit that the said United Company should be allowed to continue a Dividend at the Rate of eight Pounds *per Centum*, to the Proprietors of their Stock for the present Year: May it therefore please your Majesty that it may be enacted;

A Statement hath been made up of the Profit and Loss of the Company from March, 1781, to March, 1782.

Profit less than Dividend of 8l. per Cent: 22,023l.

The Cause of the Deficiency.

Treasury consented to postpone Payment of the said Sums for Customs and Instalment.

enacted; and be it enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for the Lords Commissioners of his Majesty's Treasury for the Time being, or any three or more of them, to postpone and allow further Time for the Payment of the said Sum of three hundred and ninety-six thousand four hundred and sixty-six Pounds, two Shillings, and six Pence, which became due, for Customs, at such several Times as herein-before are mentioned; and of the said Sum of one hundred thousand Pounds, which became due on the first Day of *December*, one thousand seven hundred and eighty-one, or any Part or Parts of the said Sums respectively, unto such Time or Times as they shall think fit, not exceeding the first Day of *April*, one thousand seven hundred and eighty-three; and if the said United Company do and shall pay the said Sums respectively, at such Time or Times to which the said Payment shall be postponed as aforesaid, the same shall be accepted and received in like Manner as if the said Sums respectively had been paid on or before the several and respective Days on which the same became due, as herein-before is mentioned; and the said United Company, upon such Payment, at such postponed Time or Times, shall be freed and discharged from all Damages, Interest, and Losses, which they became liable to by Means of not having made the said Payments respectively, at the several and respective Times on which the same became due, and shall be intitled unto, and have the same Discounts, Allowances, and Advantages, as if the said Sums respectively had been paid on or before the several and respective Days on which they became due; any Thing in the said recited Act, or in any other Act or Acts of Parliament, in any wise notwithstanding.

Commissioners of the Treasury may allow the Company further Time for the Payment of certain Sums due to the Public;

Further Provisions are made in Respect to the Company's Debts by 23 *Geo.* 3. *c.* 36 & 84. 24 *Geo.* 3. *c.* 3. & 34. & 26 *Geo.* 3. *c.* 62.

on Payment whereof the Company shall be indemnified.

II. *And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said United Company to set apart and apply, in the Course of the present Year, from the first Day of* March, *one thousand seven hundred and eighty-two, to the first Day of* March, *one thousand seven hundred and eighty-three, so much Money as shall be equal to eight Pounds* per Centum, *on the Capital of three millions two hundred thousand Pounds, as and for a Dividend to the Proprietors of the Stock of the said Company, and to charge the same as a Debt in the annual Account to be made up to the first Day of* March, *one thousand seven hundred and eighty-three; and if it shall happen that there shall be a Deficiency in such annual Account, it shall and may be lawful for the said United Company to carry forward such Deficiency, as a Charge in the Account of the succeeding Year, any Thing in the said recited Act contained to the contrary notwithstanding.*

The Company impowered to set apart, between March 1, 1782, and March 1, 1783, a Sum sufficient to pay a Dividend of 8 per Cent.

III. *And be it further enacted by the Authority aforesaid, That the said Deficiency of twenty-two thousand and twenty-three Pounds, appearing in the said annual Account made up to the first Day of* March, *one thousand seven hundred eighty-two, shall be carried forward as a Charge in the Account of the present Year.*

The Deficiency in last Year's Account to be carried forward as a Charge in the present Year.

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23 GEORGII III. Cap. XXXVI.

An Act to discharge and indemnify the United Company of Merchants of England *trading to the* East-Indies, *from all Damages, Interest, and Losses, in Respect to their not making regular Payment of certain Sums due, and to become due, to the Public, and to allow further Time for such Payment; and to enable the Company to borrow a certain Sum of Money; and to make a Dividend of Four Pounds* per Centum *to the Proprietors at* Midsummer, *one thousand seven hundred and eighty-three.*

Preamble.

WHEREAS the United Company of Merchants of *England* trading to the *East-Indies*, stand indebted to his Majesty, for Customs on Goods imported, in sundry Sums of Money, amounting together to the Sum of three hundred ninety-six thousand four hundred sixty-six Pounds, two Shillings, and six Pence, after making certain Deductions and Allowances, to which, by Law, the said Company are intitled, on due Payment of the said Customs on or before the respective Days on which the same become due; which said Customs became due at the several and respective Times herein-after mentioned; that is to say, The Sum of one hundred and sixty-three thousand three hundred and sixty-seven Pounds, twelve Shillings, and four Pence, Part thereof, on the first Day of *December*, one thousand seven hundred and eighty-one; the Sum of one hundred ninety-one thousand eight hundred and sixty-eight Pounds, four Shillings, and eight Pence, other Part thereof, on the twenty-third Day of *January*, one thousand seven hundred

The Company indebted for Customs 396,466l. 2s. 6d. to 26 Feb. 1782, and in 42,105l. 6s. 10d. accrued since; and will be further indebted for Customs in July, 1783, the Sum of 230,000l.

hundred and eighty-two; the Sum of fifteen thousand nine hundred thirty-one Pounds, and seventeen Shillings, other Part thereof, on the twenty-second Day of *February*, one thousand seven hundred and eighty-two; the Sum of two thousand one hundred and fifty Pounds, four Shillings, and six Pence, other Part thereof, on the twenty-third Day of *February*, one thousand seven hundred and eighty-two; the Sum of twenty-three thousand one hundred forty-eight Pounds, and four Shillings, Residue thereof, on the twenty-sixth Day of *February*, one thousand seven hundred and eight-two: And whereas the said United Company also became indebted to his Majesty for Customs, on the twenty-first Day of *March*, one thousand seven hundred and eighty-three, after such Deductions and Allowances as aforesaid, in the further Sum of forty-two thousand one hundred and five Pounds, six Shillings, and ten Pence; and will become further indebted to his Majesty, for other Customs on Goods, before the first Day of *July*, one thousand seven hundred and eighty-three, in further Sums of Money, to the Amount of two hundred and thirty thousand Pounds, or thereabout: And whereas, by Means of the said Customs already due, and hereafter to become due, not being paid at the respective Times the same became due, or shall become due, as aforesaid, the said Company, besides losing the Benefit of the said Deductions and Allowances, are and will be liable to pay Interest for the same, at and after the Rate of six Pounds *per Centum per Annum*: And whereas by an Act, made in the twenty-first Year of the Reign of his present Majesty, intituled, *An Act for establishing an Agreement with the United Company of Merchants of* England *trading to the* East-Indies, *for the Payment of the Sum of four hundred thousand Pounds, for the Use of the Public, in full Discharge and Satisfaction of all Claims and Demands of the Public from the Time the Bond Debt of the said Company was reduced to one million five hundred thousand Pounds, until the first Day of* March, *one thousand seven hundred and eighty-one, in Respect to the territorial Acquisitions and Revenues lately obtained in the* East Indies; *and also for securing to the Public in Respect thereof, for a Term therein mentioned, a certain Part or Proportion of the clear Revenues and Profits of the said Company; and for graning to the said Company, for a further Term, the sole and exclusive Trade to and from the* East Indies, *and Limits therein mentioned; and for establishing certain Regulations for the better Management of the Affairs of the said Company, as well in* India *as in* Europe, *and the recruiting the Military Forces of the said Company*, it was, amongst other Things, enacted, That the Sum of four hundred thousand Pounds should, by the said United Company, be paid into the Receipt of his Majesty's Exchequer, at the Times, and in the Proportions therein mentioned, the last of which Payments was of the Sum of one hundred thousand Pounds, and was to have been made on the first Day of *December*, one thousand seven hundred and eighty-one, for the Use of the Public, as therein is mentioned, and in Case the said United Company should make Failure in any of the said Payments, on or before the Days therein-mentioned, then the Money, whereof such Failure in Payment should be made, should be recovered to his Majesty's Use, by such Action or Suit as therein is mentioned; and upon such Action or Suit there should be further recovered to his Majesty's Use, against the said United Company, Damages after the Rate of fifteen Pounds *per Centum per Annum*, for the respective Monies so unpaid contrary to the said Act, together with full Costs of Suit: And it was thereby further enacted, That, from and after the first Day of *March*, one thousand seven hundred and eighty-one, for and during so long Time as the said United Company, under the Authority of that Act, should be intitled to the whole, sole, and exclusive Trade and Traffic in, to, and from the *East Indies*, and Places aforesaid, the whole clear Profits arising from the said territorial Acquisitions and Revenues, after defraying the Charges and Expenses attending the same, together with all the clear Revenues and Profits of the said Company, after providing for the current Payments of Interest, and other Outgoings, Charges and Expenses of the said Company, should, from Time to Time, be disposed of and applied in Manner therein and herein-after mentioned; (that is to say), it should be lawful for the said United Company to set apart and retain, in the first Place, in each and every Year, such Sum as should be equal to eight Pounds *per Centum per Annum*, upon the capital Stock of the said United Company of three millions two hundred thousand Pounds; and in Case there should remain a Surplus of the said clear Revenues and Profits, above the said Sum of eight Pounds *per Centum per Annum*, so to be retained by the said United Company as aforesaid, three-fourth Parts of such surplus Profits should be set apart, and applied for the Use of the Public, and the remaining fourth Part thereof should be reserved and retained by the said United Company for their own Use: And it was thereby further enacted, That it should be lawful for the said United Company to apply such Money as they were therein-before authorized to retain to themselves, and also other Money mentioned in the said Act, in the Payment of Dividends to the Proprietors of the Stock of the said United Company, not exceeding the Rate of twelve Pounds ten Shillings *per Centum per Annum*, provided the Bond Debt of the said United Company did not at any such Time exceed one million five hundred thousand Pounds; and provided that they did not increase the present Dividend of eight Pounds *per Centum per Annum*, more than at the Rate of one Pound *per Centum* in

Recital of 21 Geo. 3. c. 65.

Recital of 396,466l. 2s. 6d. due for Customs, and 100,000l. for the last Instalment by 21 Geo. 3. c. 65. being postponed by Treasury.

each and every Year: And whereas the Payment of the said Sum of three hundred ninety-six thousand four hundred and sixty-six Pounds, two Shillings, and six Pence, which became due for Customs at such several Times as herein-before are mentioned, and of the said Sum of one hundred thousand Pounds, which became due on the first Day of *December*, one thousand seven hundred and eighty-one, hath been postponed, and further Time allowed for the Payment thereof, until the first Day of *April*, one thousand seven hundred and eighty-three, by the Lords Commissioners of his Majesty's Treasury, pursuant to Power to them for that Purpose given in and by an Act made in the last Session of Parliament, (intituled, *An Act to Discharge and Indemnify the United Company of Merchants of* England *trading to the* East-Indies, *from all Damage, Interest, and Losses, in Respect to their having made Default in certain Payments due to the Public, on such Payments being made at a future stipulated Time; and to enable the said Company to continue a Dividend of eight Pounds* per Centum, *to the Proprietors of their Stock for the present Year*): And whereas, besides the said Debts due to the Public, the said United Company have been obliged to postpone many of their commercial Debts: And whereas, by Means of the Expenses of the Wars and Hostilities in *India*, and the homeward-bound Ships of the said Company not having duly arrived, the said Company is become much distressed in their Affairs at Home, and have applied to Parliament for Relief: But, in regard such Application cannot be fully considered, and an adequate Relief applied in due Time in Respect to some of the Debts owing by the said Company, it is necessary that a temporary Relief should be granted to the said Company, and that they should be allowed to continue their present Dividend at *Midsummer* next, at the Rate of eight Pounds *per Centum per Annum*: May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for the Lords Commissioners of his Majesty's Treasury for the Time being, or any three or more of them, to postpone and allow further Time for the Payment of the said Sum of three hundred ninety-six thousand four hundred and sixty-six Pounds, two Shillings, and six Pence, which became due, for Customs, at such several Times as herein-before are mentioned; and of the said Sum of one hundred thousand Pounds, which became due on the first Day of *December*, one thousand seven hundred and eighty-one; and to allow Time for Payment of the said Sum of forty-two thousand one hundred and five Pounds, six Shillings, and ten Pence, which became due the twenty-first Day of *March*, one thousand seven hundred and eighty-three; and of such Sums as shall become due for Customs before the first Day of *July*, one thousand seven hundred and eighty-three, or any Part or Parts of the said several Sums respectively, unto such Time or Times as they shall think fit, not exceeding the first Day of *October*, one thousand seven hundred and eighty-three: And if the said United Company do and shall pay the said Sums respectively, at such Time or Times to which the said Payments, or any Part thereof respectively, shall be postponed as aforesaid, the same shall be accepted and received in like Manner as if the said Sums respectively had been paid on or before the several and respective Days on which the said Sums became due, or shall become due, respectively; and the said United Company, upon such Payments, at such postponed Time or Times, shall be freed and discharged from all Damages, Interests, and Losses, which they became or shall become liable to by Means of not having made the said Payments respectively at the several Times on which the same became due, and shall be intitled unto, and have the same Discounts, Allowances, and Advantages, as if the said Sums respectively had been paid on or before the several and respective Days on which they became due; any Thing in the said recited Acts, or any other Act or Acts of Parliament, in anywise notwithstanding.

Recital of 22 Geo. 3. c. 51.

Other commercial Debts owing by the Company.

The Company in Distress by Means of the War.

Necessity of granting them a temporary Relief.

Commissioners of the Treasury may allow the Company further Time for Payment of certain Sums due to the Public;

For further Provisions for Payment of these Debts, see 23 *Geo.* 3. *c.* 83.; 24 *Geo.* 3. *c.* 3 *&* 34.; *and* 26 *Geo.* 3. *c.* 62.

on Payment whereof the Company shall be indemnified.

II. And in order to give a temporary Relief to the said United Company in Respect to their commercial Debts; be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said United Company to borrow Money upon, and issue Bonds under their their Common Seal, as the Affairs of the said Company may require, not exceeding the Sum of five hundred thousand Pounds beyond the Amount of the Company's present Bond Debt.

Company impowered to increase their present Bond Debt;

and to make a Dividend of 4 per Cent. at Midsummer next.

III. *And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said United Company to set apart and apply, at* Midsummer *next, so much Money as shall be equal to four Pounds* per Centum, *on the Capital of three millions two hundred thousand Pounds, as and for a Dividend to the Proprietors of the Stock of the said Company for half a Year, from the fifth Day of* January, *one thousand seven hundred and eighty-three, to the fifth Day of* July, *one thousand seven hundred and eighty-three.*

23 GEORGII III. Cap. LXXXIII.

An Act for granting Relief to the United Company of Merchants of England *trading to the* East-Indies, *by allowing further Time for the Payment of certain Sums due, and to become due to the Public; and by advancing to the said Company, on the Terms therein mentioned, a certain Sum of Money to be raised by Loans or Exchequer Bills; and to enable the said Company to make a Dividend of four Pounds* per Centum *to the Proprietors at* Christmas, *one thousand seven hundred and eighty-three; and to regulate the future Payment of Debentures of Drawbacks on* East-India *Goods.*

Preamble.

WHEREAS the United Company of Merchants of *England* trading to the *East-Indies*, stand indebted to his Majesty, for Customs on Goods imported, in sundry Sums of Money, amounting together to the Sum of six hundred forty-four thousand seven hundred and forty-three Pounds, seventeen Shillings, and two Pence, after making certain Deductions and Allowances, to which by Law the said United Company are intitled, on due Payment of the said Customs on or before the respective Days on which the same become due; which said Customs became due at the several and respective Times herein-after mentioned; (that is to say), The Sum of one hundred sixty-three thousand three hundred and sixty-seven Pounds, twelve Shillings, and four Pence, Part thereof, on the first Day of *December*, one thousand seven hundred and eighty-one; the Sum of one hundred ninety-one thousand eight hundred sixty-eight Pounds four Shillings and eight Pence, other Part thereof, on the twenty-third Day of *January*, one thousand seven hundred and eighty-two; the Sum of fifteen thousand nine hundred thirty-one Pounds, and seventeen Shillings, other Part thereof, on the twenty-second Day of *February*, one thousand seven hundred and eighty-two; the Sum of two thousand one hundred and fifty Pounds, four Shillings, and seven Pence, other Part thereof, on the twenty-third Day of *February*, one thousand seven hundred and eighty-two; the Sum of twenty-three thousand one hundred and forty-eight Pounds, four Shillings, and four Pence, other Part thereof, on the twenty-sixth Day of *February*, one thousand seven hundred and eighty-two; the Sum of forty-two thousand one hundred and five Pounds, six Shillings, and ten Pence, other Part thereof, on the twentieth Day of *March*, one thousand seven hundred and eighty-three; and the Sum of two hundred and six thousand one hundred and seventy-two Pounds, seven Shillings, and five Pence, Residue thereof, on the first Day of *June*, one thousand seven hundred and eighty-three: And whereas the said United Company will become further indebted to his Majesty for other Customs on Goods, before the tenth Day of *December*, one thousand seven hundred and eighty-three, in further Sums of Money, to the Amount of two hundred and seventy thousand Pounds, or thereabouts: And whereas, by Means of the said Customs, already due and hereafter to become due, not being paid at the respective Times the same became due or shall become due, as aforesaid, the said Company, besides losing the Benefit of the said Deductions and Allowances, are and will be liable to pay Interest for the same, at and after the Rate of six Pounds *per Centum per Annum*: And whereas, by an Act made in the twenty-first Year of the Reign of his present Majesty, (intituled, *An Act for establishing an Agreement with the United Company of Merchants of* England *trading to the* East-Indies, *for the Payment of the Sum of four hundred thousand Pounds, for the Use of the Public, in full Discharge and Satisfaction of all Claims and Demands of the Public from the Time the Bond Debt of the said Company was reduced to one million five hundred thousand Pounds, until the first Day of* March, *one thousand seven hundred and eighty-one, in Respect of the territorial Acquisitions and Revenues lately obtained in the* East-Indies; *and also for securing to the Public in Respect thereof, for a Term therein mentioned, a certain Part or Proportion of the clear Revenues and Profits of the said Company; and for granting to the said Company, for a further Term, the sole and exclusive Trade to and from the* East-Indies, *and Limits therein mentioned; and for establishing certain Regulations for the better Management of the Affairs of the said Company, as well in* India *as in* Europe, *and the recruiting the military Forces of the said Company)*, it was amongst other Things enacted, That the Sum of four hundred thousand Pounds should by the said United Company, be paid into the Receipt of his Majesty's Exchequer, at the Times and in the Proportions therein mentioned; the last of which Payments was of the Sum of one hundred thousand Pounds, and was to have been made on the first Day of *December*, one thousand seven hundred and eighty-one, for the Use of the Public, as therein is mentioned; and in Case the said United Company should make Failure in any of the said Payments, on or before the Days therein mentioned, then the Money whereof such Failure in Payment should be made, should be recovered to his Majesty's Use by such Action or Suit as therein is mentioned; and upon

Company owe 644,743l. 17s. 2d. for Customs.

Recital of 21 Geo. 3. c. 65.

upon such Action or Suit there should be further recovered to his Majesty's Use, against the said United Company, Damages after the Rate of fifteen Pounds *per Centum per Annum*, for the respective Monies so unpaid contrary to the said Act, together with full Costs of Suit: And it was thereby further enacted, That, from and after the first Day of *March*, one thousand seven hundred and eighty-one, for and during so long Time as the said United Company, under the Authority of that Act, should be intitled to the whole, sole, and exclusive Trade and Traffic, in, to, and from the *East Indies*, and Places aforesaid, the whole clear Profits arising from the said territorial Acquisitions and Revenues, after defraying the Charges and Expenses attending the same, together with all the clear Revenues and Profits of the said Company, after providing for the current Payment of Interest, and other Outgoings, Charges, and Expenses of the said Company, should from Time to Time be disposed of and applied in Manner therein and hereinafter mentioned; (that is to say), It should be lawful for the said United Company to set apart and retain, in the first Place, in each and every Year, such Sum as should be equal to eight Pounds *per Centum per Annum*, upon the capital Stock of the said United Company of three millions two hundred thousand Pounds; and in Case there should remain a Surplus of the said clear Revenues and Profits, above the said Sum of eight Pounds *per Centum per Annum*, so to be retained by the said United Company as aforesaid, three-fourth Parts of such surplus Profits should be set apart and applied for the Use of the Public, and the remaining one fourth Part thereof should be reserved and retained by the said United Company for their own Use: And it was thereby further enacted, That it should be lawful for the said United Company to apply such Money as they were therein before authorized to retain to themselves, and also other Money in the said Act mentioned, in the Payment of Dividends to the Proprietors of the Stock of the said United Company, not exceeding the Rate of twelve Pounds and ten Shillings *per Centum per Annum*, provided the Bond Debt of the said United Company did not at any such Time exceed one million five hundred thousand Pounds; and provided that they did not increase the present Dividend of eight Pounds *per Centum per Annum* more than at the Rate of one Pound *per Centum* in each and every Year: And, in Order to ascertain the yearly net Profits arising from the said United Company's Trade and Revenues, it was further enacted, That the said United Company should cause to be made up yearly, for each and every Year, during the Term therein mentioned, with as much Accuracy as the Nature of the Case would admit, a Statement of the Profit and Loss upon the whole of the Trade and Revenues of the said United Company, together with a State of the Debts of the said United Company in *England*, from the first Day of *March* in every Year, to the first Day of *March* in each succeeding Year; which said Account was to be signed and delivered to the Commissioners of his Majesty's Treasury, or the High Treasurer for the Time being, as therein is mentioned: And whereas a Statement hath been duly made up of the Profit and Loss upon the whole of the Trade and Revenues of the said United Company from the first Day of *March*, one thousand seven hundred and eighty-two, to the first Day of *March*, one thousand seven hundred and eighty-three; whereby it appears, that the net Profits of the said United Company in that Year did not amount to so much as a Dividend upon the Stock of the said United Company at the Rate of eight Pounds *per Centum per Annum*, by the Sum of two hundred fifty-five thousand eight hundred and thirteen Pounds: And whereas the Payment of the said Sum of six hundred forty-four thousand seven hundred forty-three Pounds, seventeen Shillings and two Pence, which became due for Customs at such several Times as herein-before are mentioned, and of the said Sum of one hundred thousand Pounds, which became due on the first Day of *December*, one thousand seven hundred and eighty-one, hath been postponed, and further Time allowed for the Payment thereof until the tenth Day of *August*, one thousand seven hundred and eighty-three, by the Lords Commissioners of his Majesty's Treasury, pursuant to Power to them for that Purpose given in and by an Act made in this present Session of Parliament, (intituled, *An Act to discharge and indemnify the United Company of Merchants of* England *trading to the* East-Indies, *from all Damages, Interest, and Losses, in Respect to their not making regular Payment of certain Sums due, and to become due, to the Public, and to allow further Time for such Payment; and to enable the Company to borrow a certain Sum of Money; and to make a Dividend of four Pounds* per Centum *to the Proprietors at* Midsummer, *one thousand seven hundred and eighty-three;*) and by the same Act, in Order to give a temporary Relief to the said United Company, in Respect to their commercial Debts, it was enacted, That it should be lawful for the said United Company to borrow Money upon, and issue Bonds under their common Seal, as the Affairs of the said Company might require, not exceeding the Sum of five hundred thousand Pounds beyond the Amount of the Company's then present Bond Debt: And whereas the issuing of such Bonds as aforesaid will increase the said Company's Bond Debt beyond the Sum of one million five hundred thousand Pounds: And whereas, by Means of the Expenses of the Wars and Hostilities in *India* and in *Europe*, the said Company is become much

Profit and Loss from March 1782, to March 1783.

Profit deficient to pay a Dividend of 8l. per Cent. by 255,813l.

Treasury have postponed Payment, pursuant to 23 Geo. 3. c. 36.

23 Geo. 3. s. 36. s. 2.

much distressed in their Affairs at Home; upon Consideration whereof, it is found necessary to grant further Relief to the said Company, by allowing further Time for the Payment of the said Debts, due and to become due to his Majesty, and by lending the said Company a further Sum of Money, as hereinafter is mentioned; and it is fit and expedient that the said Company should be allowed to continue their present Dividend at *Christmas* next; at the Rate of eight Pounds *per Centum per Annum*; may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for the Commissioners of his Majesty's Treasury for the Time being, or any three or more of them, to postpone and allow further Time for the Payment of the said Sum of six hundred forty-four thousand seven hundred forty-three Pounds, seventeen Shillings, and two Pence, which became due for Customs at such several Times as herein-before are mentioned, and of the said Sum of one hundred thousand Pounds, which became due on the first Day of *December*, one thousand seven hundred and eighty-one, and to allow Time for Payment of such Sums as shall become due for Customs before the tenth Day of *December*, one thousand seven hundred and eighty-three, or any Part or Parts of the said several Sums respectively, unto such Time or Times as they shall think fit, not exceeding forty Days next after the Commencement of the next Session of Parliament; and if the said United Company do and shall pay the said Sums respectively, at such Time or Times to which the said Payments, or any Part thereof respectively, shall be postponed as aforesaid, the same shall be accepted and received in like Manner as if the said Sums respectively had been paid on or before the several and respective Days on which the said Sums became due; and the said United Company, upon such Payment at such postponed Time or Times, shall be freed and discharged from all Damages, Interest, and Losses, which they became liable to by Means of not having made the said Payments respectively at the several Times on which the same became due; and shall be intitled unto, and have the same Discounts, Allowances, and Advantages, as if the said Sums respectively had been paid on or before the several and respective Days on which they became due; any Thing in the said recited Acts, or any other Act or Acts of Parliament in anywise notwithstanding.

Company in Distress, and in Want of further Relief.

Dividend to be continued at Christmas, 1783.

Commissioners of the Treasury impowered to allow the Company further Time for Payment of the Sums due, and to become due, to his Majesty.

Time enlarged by 24 *Geo.* 3. *c.* 3 *and* 34. *See also* 26 *Geo.* 3. *c.* 62.

II. And, in Order to give further Relief to the said United Company in Respect to their Debts, and the better to enable them to pay the same, we, your Majesty's most dutiful and loyal Subjects, the Commons of *Great Britain*, in Parliament assembled, do most humbly beseech your Majesty that it may be enacted; and be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Commissioners of his Majesty's Treasury now and for the Time being, or any three or more of them, or for the high Treasurer for the Time being, and he and they respectively are or is hereby authorized and impowered, at any Time or Times before the tenth Day of *October*, one thousand seven hundred and eighty-three, by his or their Warrant or Warrants, to direct, or cause to be prepared and made, at the Receipt of his Majesty's Exchequer, any Number of Exchequer Bills, for such Sum or Sums of Money as he or they shall think most proper and convenient, so as all the principal Sums to be contained in the Bills so to be made forth by Virtue of this Act, do not exceed in the Whole the Sum of three hundred thousand Pounds, (exclusive of any Exchequer Bills that are or may be made forth by Virtue of any other Act or Acts passed in this Session of Parliament, for the public Service); and the said Exchequer Bills, so to be made forth in Pursuance of this Act, shall bear an Interest not exceeding the Rate of four Pounds and fifteen Shillings *per Centum per Annum*, and proportionably for any greater or less Sum to be contained therein, to be payable to the Bearers thereof respectively; which said Exchequer Bills shall be made out in the like Manner, Form, and Order, and according to the same or like Rules and Directions, as in and by an Act of this present Session of Parliament, (intituled, *An Act for granting an Aid to his Majesty by a Land Tax, to be raised in* Great Britain *for the Service of the Year one thousand seven hundred and eighty-three*), are enacted and prescribed concerning the Exchequer Bills authorized to be made forth in Pursuance of the said Act; and the Commissioners of his Majesty's Treasury now, or for the Time being, or any three or more of them, or the High Treasurer for the Time being, are or is hereby authorized and impowered to direct the said Exchequer Bills to be delivered to or to the Order of the Court of Directors of the said United Company, to be by them passed away and negotiated for the Purpose of raising Money to pay the Debts, and to answer other the Occasions and Affairs of the said Company.

Commissioners of the Treasury impowered to make Exchequer Bills to the Amount of 300,000l.;

to bear an Interest of 4l. 15s. per Centum per Annum.

The Bills to be delivered to the Court of Directors, &c.

III. And be it further enacted by the Authority aforesaid, That all and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities, contained in

All the Clauses, &c. relating to Exchequer Bills, in the Land Tax Act of this Session,

in the said last mentioned Act, relating to the Exchequer Bills authorized to be made out by the same Act, (except such Clauses as do charge the same on the Duties granted by the same Act, and except such Clauses as limit the Rate of Interest to be paid for the Forbearance of the Money lent on the Credit of the said Act, and also except as herein-after is mentioned); shall be applied and extended to the Exchequer Bills to be made forth in Pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if the same Exchequer Bills had been originally authorized by the said last mentioned Act, or as if the said several Clauses or Provisoes had been particularly repeated and re-enacted in the Body of this Act.

(except, &c.) shall be applied to the Bills to be made in Pursuance of this Act.

IV. Provided always, and be it further enacted by the Authority aforesaid, That, no Exchequer Bill or Bills, to be made out by Virtue of this Act, shall, after the same hath or have been issued at the Receipt of the Exchequer, be afterwards, at any Time before the sixth Day of *April*, one thousand seven hundred and eighty-six, received, or pass, or be current to any Receiver or Collector in *Great-Britain* of the Customs, Excise, or any Revenue, Supply, Aid, or Tax whatsoever, due or payable to his Majesty, his Heirs and Successors, or at the Receipt of the Exchequer, from any such Receiver or Collector, or from any other Person or Persons, Bodies politic or corporate, otherwise or on any other Account than for the Discharge and cancelling of such Bills, in Case the same shall be in due Course or Order of Payment before the said sixth Day of *April*; nor shall any Receiver or Collector exchange, at any Time before the said sixth Day of *April*, for any Money of such Revenue, Aids, Taxes, or Supplies, in his Hands, any Exchequer Bill or Bills which shall have been issued as aforesaid by Virtue of this Act; nor shall any Action be maintained against any such Receiver or Collector for neglecting or refusing to exchange any such Bill or Bills for ready Money, before the said sixth Day of *April*; any Thing in the said Act, made in this Session of Parliament, intituled, *An Act for granting an Aid to his Majesty by Land Tax, to be raised in* Great-Britain, *for the Service of the Year one thousand seven hundred and eighty-three*, or in this Act, contained to the contrary notwithstanding.

Exchequer Bills so issued not to be received again in Payment of any Taxes,

nor exchanged before April 6, 1786.

Action not to lie for such Refusal.

V. And be it further enacted by the Authority aforesaid, That all such Exchequer Bills, together with the Interest, Premium, Rate, and Charges, incident to or attending the same, shall be, and are hereby charged and chargeable upon, and shall be repaid and borne by and out of the Monies to be paid into the Receipt of his Majesty's Exchequer by the United Company of Merchants of *England* trading to the *East-Indies*, in the Manner and at the Times herein-after directed and appointed; and in Case such Monies, so to be paid into the Receipt of the Exchequer, shall not be sufficient to satisfy and discharge all the principal Monies contained in such Exchequer Bills, together with all the Interest, Premium, Rate, and Charges, incident to and attending the same, and that shall incur and grow due thereupon before the said sixth Day of *April*, then, and in such Case, the said Exchequer Bills, or such Part thereof as shall remain unsatisfied and uncancelled, together with all the Interest due and to grow due thereupon, and all other Charges and Expenses incurred, or to be incurred, in Respect of the same Exchequer Bills, shall be charged and chargeable upon, and payable out of, the first Aids or Supplies that shall or may be granted by Parliament, for the Service of the Year one thousand seven hundred and eighty-six; and in Case sufficient Aids or Supplies for that Purpose shall not be granted before the fifth Day of *July*, one thousand seven hundred and eighty-six, then all the said Exchequer Bills, together with the Interest, Premium, Rate, and Charges, incident to or attending the same, shall be, and are hereby charged and chargeable upon such Monies as, at any Time or Times at or before the said fifth Day of *July*, shall be or remain in the Receipt of the Exchequer, of the Surplusses, Excesses, overplus Monies, and other Revenues composing the Fund commonly called *The Sinking Fund*, (except such Monies of the said Sinking Fund as are appropriated to any particular Use or Uses by any Act or Acts of Parliament in that Behalf); and such Monies of the said Sinking Fund shall and may be issued and applied, as soon as the same can be regularly stated and ascertained, for and towards paying off, cancelling, and discharging, such Exchequer Bills so remaining uncancelled and unpaid, together with the Interest, Premium, Rate, and Charges, until the Whole of them shall be paid off, cancelled, and discharged, or Money sufficient for that Purpose be kept and reserved in the Exchequer, to be payable on Demand to the respective Proprietors thereof.

Money so raised to be repaid out of the Monies to be paid into the Exchequer by the East-India Company;

and if sufficient Monies shall not be so paid in before April 6, 1786,

to be charged on the next parliamentary Aid;

and collaterally on the Sinking Fund.

VI. Provided always, and be it enacted by the Authority aforesaid, That whatever Monies shall be so issued out of the said Surplusses, Excesses, overplus Monies, and other Revenues composing the said Sinking Fund, shall, from Time to Time, be replaced by and out of the first Aids or Supplies to be then after granted in Parliament.

Monies so issued out of the Sinking Fund, to be replaced out of the first Supplies.

VII. And

VII. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Governor and Company of the Bank of *England* to advance or lend to his Majesty, at the Receipt of the Exchequer, or to the said United Company, upon the Credit of the Exchequer Bills directed to be made forth by Virtue of this Act, any Sum or Sums of Money, not exceeding in the Whole the Sum of three hundred thousand Pounds; any Thing in an Act, made in the fifth and sixth Years of the Reign of King *William* and Queen *Mary*, intituled, *An Act for granting to their Majesties several Rates and Duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors, for securing certain Recompenses and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of one million five hundred thousand Pounds, towards carrying on the War against* France, to the contrary thereof in any wise notwithstanding.

Bank authorized to advance the said Sum on the Credit of this Act;

an Act 5 & 6 Gul. & Mariæ notwithstanding.

VIII. And whereas, in the present Circumstances of the *East-India* Company, it will not be in their Power to provide for the Payment of the said Debts due to his Majesty, or for the Repayment of such Loan as aforesaid, and for again reducing their Bond Debt to one million five hundred thousand Pounds, (which is expedient to be done), unless the Public should agree to forego, for the Present, all Participation in the Profits arising from the territorial Acquisitions and Revenues lately obtained in the *East-Indies*, in Order that Provision may be made for such Payments as aforesaid; be it therefore further enacted by the Authority aforesaid, That until the said Debts due to his Majesty shall be paid, the said Sum of three hundred thousand Pounds repaid, and the Bond Debt of the said Company be again reduced to one million five hundred thousand Pounds, the Whole clear Profits arising from the said territorial Acquisitions and Revenues, after defraying the Charges and Expenses attending the same, together with all the clear Revenues and Profits of the said Company, after providing for the current Payments of Interest, and other Outgoings, Charges, and Expenses, of the said Company, and for such Dividends to the Proprietors of the Stock of the said Company as they shall be entitled or allowed to make, receive, and take, shall from Time to Time be disposed of and applied in Manner following; that is to say, in the first Place, in Diminution and Payment of the said Debts due to his Majesty, until the same shall be fully paid; and afterwards in Diminution and Payment of the said Sum of three hundred thousand Pounds, and Interest; and for defraying the Charges incurred in Respect thereof; and then in reducing the Bond Debt of the said Company until the same shall be reduced to one million five hundred thousand Pounds.

How the Profits arising from the territorial Acquisitions and the Trade of the Company, shall be applied.

See further Provisions, 24 Geo. 3. c. 34. s. 4.

IX. And be it further enacted by the Authority aforesaid, That after the said Debts due to his Majesty shall be paid, and until the said Sum of three hundred thousand Pounds shall have been repaid, the said United Company shall from Time to Time pay, or cause to be paid, into the Receipt of his Majesty's Exchequer, such Surplus of the clear Revenues and Profits of the said Company as is herein-before directed to be applied in such Payment; which said Payments shall be made as often as the said Company shall have Money which can be appropriated for that Purpose; and the same shall be applied, in the first Place, for answering and paying all such Interest, Premium, Rate, and Charges, as shall have grown due in Respect of the Exchequer Bills made out, issued, and circulated, as aforesaid; and in the next Place, as far as the same will extend, for paying off, cancelling, and discharging, all such of the said Exchequer Bills as shall then remain uncancelled.

After the Debts due to his Majesty are paid, the surplus Profits of the Company to be paid into the Exchequer.

Application thereof.

X. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said United Company to set apart and apply at *Christmas* next, so much Money as shall be equal to four Pounds *per Centum* on the capital of three millions two hundred thousand Pounds, as and for a Dividend to the Proprietors of the Stock of the said Company for half a Year, from the fifth Day of *July*, one thousand seven hundred and eighty-three, to the fifth Day of *January*, one thousand seven hundred and eighty-four.

Company impowered to pay 4 per Cent. for the next half-yearly Dividend.

XI. And be it further enacted by the Authority aforesaid, That the said Deficiency of two hundred fifty-five thousand eight hundred and thirteen Pounds, appearing in the said annual Account made up to the first Day of *March*, one thousand seven hundred and eighty-three, shall be carried forward as a Charge in the Account of the present Year.

Deficiency of 255,813*l.* in the last annual Account, to be carried forward as a Charge in this Year's Account.

XII. And whereas sundry Drawbacks of Part of the Duties of Customs payable on *East-India* Goods, are allowed on the Exportation of such Goods from this Kingdom, the Debentures for which Drawbacks are often paid to the *East-India* Company as Cash, in Part of Payment of Goods sold at the Company's Sales: And whereas the said Debentures cannot be received and allowed, by the Officers of his Majesty's Customs in Payment of any Duties of Customs other than the Customs

Clause relative to Payment of Debentures for Drawbacks on East-India Goods.

toms due for the same Species of Goods for which the said Debentures are made, by Reason whereof the said Company are often obliged to keep the said Debentures for a great length of Time; be it therefore enacted by the Authority aforesaid, That all and every Debentures, for Payment of any Drawbacks of the Duties of Customs on *East-India* Goods, shall at all Times be received from the United Company of Merchants of *England* trading to the *East-Indies*, by the Officers of his Majesty's Customs, in Payment of any Kind of Duties of Customs due from the said United Company on *East-India* Goods, in like Manner as if such Debentures were paid in for Duties of Customs due on the same Kind of Goods therein mentioned and contained.

24 GEORGII III. Sess. I. Cap. III.

An Act to continue so much of an Act made in the last Session of Parliament, as allows further Time for the Payment of certain Sums due, and to become due to the Public, from the United Company of Merchants of England *trading to the* East-Indies.

Preamble.

23 Geo. 3. c. 83. recited.

WHEREAS, by an Act, made in the last Session of Parliament, intituled, *An Act for granting Relief to the United Company of Merchants of* England *trading to the* East-Indies, *by allowing further Time for the Payment of certain Sums due, and to become due to the Public, and by advancing to the said Company, on the Terms therein mentioned, a certain Sum of Money to be raised by Loans or Exchequer Bills; and to enable the said Company to make a Dividend of four Pounds* per Centum *to the Proprietors, at* Christmas, *one thousand seven hundred and eighty-three; and to regulate the future Payment of Debentures of Drawbacks on* East-India *Goods*; it is, among other Things, enacted, That it should and might be lawful to and for the Commissioners of his Majesty's Treasury for the Time being, or any three or more of them, to postpone and allow further Time for the Payment of the Sum of six hundred forty-four thousand seven hundred forty-three Pounds, seventeen Shillings, and two Pence, which became due for Customs at the several Times in the said Act mentioned; and of the Sum of one hundred thousand Pounds, which became due on the first Day of *December*, one thousand seven hundred and eighty-one; and to allow Time for Payment of such Sums as should become due for Customs before the tenth Day of *December*, one thousand seven hundred and eighty-three, or any Part or Parts of the said several Sums respectively, unto such Time or Times as they should think fit, not exceeding forty Days next after the Commencement of the then next Session of Parliament: And whereas it is expedient that such Power should be continued for a further Time: May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for the Commissioners of his Majesty's Treasury for the Time being, or any three or more of them, to postpone and allow further Time for the Payment of the said Sum of six hundred forty-four thousand seven hundred forty-three Pounds, seventeen Shillings, and two Pence, which became due for Customs at the several Times in the said Act mentioned, and of the said Sum of one hundred thousand Pounds, which became due on the first Day of *December*, one thousand seven hundred and eighty-one, and to allow Time for Payment of such Sums as shall become due for Customs before the tenth Day of *December*, one thousand seven hundred and eighty-three, or any Part or Parts of the said several Sums respectively, unto such Time or Times as they shall think fit, not beyond the first Day of *May*, one thousand seven hundred and eighty-four; and if the said United Company do and shall pay the said Sums respectively at such Time or Times to which the said Payments, or any Part thereof respectively, shall be postponed as aforesaid, the same shall be accepted and received in like Manner as if the said Sums respectively had been paid on or before the several and respective Days on which the said Sums became due; and the said United Company, upon such Payment at such postponed Time or Times, shall be freed and discharged from all Damages, Interest, and Losses, which they became liable to by Means of not having made the said Payments respectively at the several Times on which the same became due, and shall be entitled unto, and have the same Discounts, Allowances, and Advantages, as if the said Sums respectively had been paid on or before the several and respective Days on which they became due; any Thing in any Act or any Act of Parliament in any wise notwithstanding.

Commissioners of the Treasury may allow the Company further Time for the Payment of their Debts due to the Public.

24 GEORGII III. Sess. II. Cap. II.

An Act to impower the East-India *Company to make a Dividend to the Proprietors of* East-India *Stock, at* Midsummer, *one thousand seven hundred and eighty-four.*

Preamble.

WHEREAS the Affairs of the *East-India* Company are now under the Consideration of Parliament, but cannot be determined on so soon as the Dividend for the half Year, ending the fifth Day of *July*, one thousand seven hundred and eighty-four, is required to be declared; yet, in regard it would be injurious to the Credit of the said Company, if the said Dividend should be postponed or delayed till the said Company's Affairs can be fully investigated, it is expedient that, in the mean Time, such Dividend as herein-after is mentioned should be allowed to be made for the said half Year; may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for the said United Company, in the usual Manner, to set apart and apply so much Money as shall not exceed the Rate of four Pounds *per Centum* on the Capital of three millions and two hundred thousand Pounds, as and for a Dividend to the Proprietors of the Stock of the said United Company, for the half Year from the fifth Day of *January*, one thousand seven hundred and eighty-four, to the fifth Day of *July*, one thousand seven hundred and eighty-four; any Thing in any Act or Acts of Parliament in anywise notwithstanding.

East-India Company impowered to make a Dividend for the half Year ending July 5, 1784.

24 GEORGII III. Cap. XXV.

An Act for the better Regulation and Management of the Affairs of the East-India *Company, and of the* British *Possessions in* India; *and for establishing a Court of Judicature for the more speedy and effectual Trial of Persons accused of Offences committed in the* East-Indies.

Preamble.

FOR the better Government and Security of the territorial Possessions of this Kingdom in the *East-Indies*, be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for the King's Majesty, his Heirs and Successors, by any Commission to be issued under the Great Seal of *Great-Britain*, to nominate and appoint such Persons, not exceeding six in Number, as his Majesty shall think fit, being of his Majesty's most honourable Privy Council, of whom one of his Majesty's principal Secretaries of State for the Time being, and the Chancellor of the Exchequer for the Time being, shall be two, to be, and who shall accordingly be Commissioners for the Affairs of *India*.

His Majesty impowered to appoint six Privy Counsellors to be Commissioners for the Affairs of India.

II. And be it further enacted by the Authority aforesaid, That any Number, not less than three of the said Commissioners, shall form a Board for executing several Powers which, by this or any other Act, shall be vested in the Commissioners aforesaid.

Three of whom shall form a Board.

III. And be it further enacted, That the said Secretary of State, and, in his Absence, the said Chancellor of the Exchequer, and, in the Absence of both of them, the Senior of the said other Commissioners, according to his Rank in Seniority of Appointment, shall preside at, and be President of the said Board; and that the said Commissioners shall have, and they are hereby invested with, the Superintendance and Controul over all the *British* territorial Possessions in the *East-Indies*, and over the Affairs of the United Company of Merchants trading thereto, in Manner herein-after directed.

Who shall be President.

Powers of the Commissioners.

IV. And be it further enacted, That in Case the Members present at the said Board shall at any Time be equally divided in Opinion, in Respect to any Matter depending before them, then, and in every such Case, the then President of the said Board shall have two Voices, or the casting Vote.

President to have the casting Vote.

His Majesty may revoke the Commission at Pleasure, and appoint new Commissioners.

V. And be it further enacted, That it shall and may be lawful for the King's Majesty, his Heirs and Successors, from Time to Time, at his and their Will and Pleasure, to revoke and determine the Commission aforesaid, and from Time to Time to cause any new Commission or Commissions to be sealed as aforesaid, for appointing any other Person or Persons, being of his Majesty's most honourable Privy Council, of whom, one of his Majesty's principal Secretaries of State, and the Chancellor of the Exchequer, for the Time being, shall always be two, to be Commissioners and Members of the said Board, when and so often as his Majesty, his Heirs or Successors, shall think fit, so that the Number of Commissioners therein to be named shall in no wise exceed the aforesaid Number of six.

Government and Revenues of the British territorial Possessions in India, subject to the Controul of the Board.

VI. And be it further enacted, That the said Board shall be fully authorised and impowered, from Time to Time, to superintend, direct, and controul, all Acts, Operations, and Concerns, which in anywise relate to the civil or military Government or Revenues of the *British* territorial Possessions in the *East-Indies*, in the Manner herein-after directed.

Secretaries, &c. to attend the Board, how to be appointed and paid.

VII. And be it further enacted, That the said Secretary of State for the Time being shall nominate and appoint such Secretaries, Clerks, and other Officers, as shall be necessary to attend upon the said Board, who shall be subject to Dismission at the Pleasure of the said Board; and that all Proceedings whatsoever to be had by or before the said Board shall be entered in proper Books; and that the said Secretaries, Clerks, and other Officers, shall be paid such Salaries as his Majesty shall, by Warrant under his Sign Manual, direct.

Members of the Board to be sworn.

VIII. Provided always, and be it further enacted, That the Members of the said Board, before they shall proceed to act in the Execution of any of the Powers or Authorities to them given by this Act, (save only the Power of administering the Oath after-mentioned), shall severally take and subscribe the following Oath; (that is to say);

The Oath.

I A. B. *do faithfully promise and swear, That, as a Commissioner or Member of the Board for the Affairs of* India, *I will give my best Advice and Assistance for the good Government of the* British *Possessions in the* East-Indies, *and will execute the several Powers and Trusts reposed in me, according to the best of my Skill and Judgment, without Favour or Affection, Prejudice or Malice, to any Person whatsoever.*

Which said Oath any two of the Members of the said Board shall, and are hereby impowered to administer; and the said Oath shall be entered by the said Secretary amongst the Acts of the Board, and be duly subscribed and attested by the Members thereof, at the Time of their taking and administering the same to each other respectively.

Secretaries, &c. to be sworn.

IX. And be it further enacted, That the several Secretaries, Clerks, and other Officers of the said Board, shall also take and subscribe, before the said Board, such Oath of Secrecy and Office as the said Board shall direct.

6 Annæ, c. 7.

X. And, for avoiding any Doubt which may arise, whether the Office or Place of a Commissioner of the said Board for the Affairs of *India*, or of a Secretary to the said Board, be within any of the Provisions contained in an Act of the sixth Year of the Reign of Queen *Anne*, intituled, *An Act for the Security of her Majesty's Person and Government, and of the Succession of the Crown of* Great-Britain *in the Protestant line*; or whether the Appointment of any such Commissioner or Secretary, being a Member or Members of the House of Commons, shall vacate his or their Seat or Seats in that House; be it further enacted and declared, That the said respective Offices, Places, or Appointments of a Commissioner, or of the Chief Secretary of the said Board for the Affairs of *India*, to be made under the Authority of this Act, shall not be deemed or taken to be within the Intent or Purview of the said Act of the sixth Year of Queen *Anne*, whereby to disqualify any such Commissioner or Chief Secretary from being elected, or sitting or voting as a Member of the House of Commons; nor shall the Appointment of any such Commissioner or Chief Secretary, if a Member or Members of the said House, vacate his or their Seat or Seats in the said House; any Thing contained in the said Act of the sixth Year of Queen *Anne*, or in any other Act, to the Contrary notwithstanding.

Neither the Commissioners, nor their chief Secretary, disqualified from being elected Members of Parliament.

Members of the Board to have access to, and to be furnished with Copies of any Papers belonging to the India Company.

XI. And, to the Intent that the said Board may be duly informed of all Transactions of the said Company, in Respect to the Management of their Concerns in the *East-Indies*; be it further enacted, That all the Members of the said Board shall, at all convenient Times, have access to all Papers and Muniments of the said United Company, and shall be furnished with such Extracts or Copies thereof, as they shall from Time to Time require; and that the Court of Directors of the

Court of Directors to deliver to the Board Copies of all Minutes, &c. of Courts of Proprietors, or Directors, relating to the Government or Revenues of the territorial Possessions, &c.

and shall obey all Orders received from the Board relative thereto.

the said United Company shall, and they are heseby required and directed to deliver to the said Board, Copies of all Minutes, Orders, Resolutions, and other Proceedings, of all General and Special Courts of Proprietors of the said Company, and of the said Court of Directors, so far as relate to the civil or military Government or Revenues of the *British* territorial Possessions in the *East-Indies*, within eight Days after the holding of such respective Courts; and also Copies of all Dispatches which the said Directors, or any Committee of the said Directors shall receive from any of their Servants in the *East-Indies*, immediately after the arrival thereof; and also Copies of all Letters, Orders, and Instructions whatsoever, relating to the civil or military Government or Revenues of the *British* territorial Possessions in the *East-Indies*, proposed to be sent or dispatched, by the said Court of Directors, or any Committee of the said Directors, to any of the Servants of the said Company in the *East-Indies*; and that the said Court of Directors of the said United Company shall, and they are hereby required to pay due Obedience to, and shall be governed and bound by, such Orders and Directions as they shall from Time to Time receive from the said Board, touching the civil or military Government and Revenues of the *British* territorial Possessions in the *East-Indies*.

Copies of Letters, &c. to be returned to the Directors within 14 Days, &c.

XII. And be it further enacted, That, within fourteen Days after the Receipt of such Copies last-mentioned, the said Board shall return the same to the said Court of Directors, with their Approbation thereof, subscribed by three of the Members of the said Board, or their Reasons at large for disapproving the same, together with Instructions from the said Board to the said Court of Directors in Respect thereto; and that the said Court of Directors shall thereupon dispatch and send the Letters, Orders, and Instructions, so approved or amended, to their Servants in *India*, without further Delay, unless, on any Representation made by the said Directors to the said Board, the said Board shall direct any Alterations to be made in such Letters, Orders, or Instructions; and no Letters, Orders, or Instructions, until after such previous Communication thereof to the said Board, shall at any Time be sent or dispatched by the said Court of Directors to the *East-Indies*, on any Account or Pretence whatsoever.

Clause relative to sending Dispatches to India.

XIII. And, for the readier Dispatch of the civil and military Concerns of the said United Company, be it further enacted, That whenever the Court of Directors of the said United Company shall neglect to transmit to the said Board their intended Dispatches on any Subject, within fourteen Days after Requisition made, it shall and may be lawful to and for the said Board to prepare and send to the Directors of the *East-India* Company (without waiting for the Receipt of the Copies of Dispatches intended to be sent by the said Court of Directors as aforesaid) any Orders or Instructions to any of the Governments or Presidencies aforesaid, concerning the civil or military Government of the *British* Territories and Possessions in the *East-Indies*; and the said Directors shall, and they are hereby required to transmit Dispatches in the usual Form (pursuant to the Tenor of the said Orders and Instructions, so transmitted to them) to the respective Governments and Presidencies in *India*, unless, on any Representation made by the said Directors to the said Board, touching such Orders or Instructions, the said Board shall direct any Alteration to be made in the same; which Directions the said Court of Directors shall in such Case be bound to conform to.

Court of Directors, on receiving Orders from the Board not connected with the Government and Revenues of the territorial Possessions, may appeal to his Majesty in Council.

XIV. And be it further enacted, That in Case the said Board shall send any Orders or Instructions to the said Court of Directors, to be by them transmitted to *India*, which, in the Opinion of the said Court of Directors, shall relate to Points not connected with the civil or military Government and Revenues of the said Territories and Possessions in *India*; then, and in any such Case, it shall be lawful for the said Court of Directors to apply, by Petition, to his Majesty in Council, touching such Orders and Instructions; and his Majesty in Council shall decide whether the same be, or be not, connected with the civil or military Government and Revenues of the said Territories and Possessions in *India*; which Decision shall be final and conclusive.

Matters requiring Secrecy may be sent by the Board to the Secret Committee, who shall transmit their Orders to India agreeable thereto.

By 26 *Geo.* 3. *c.* 16. *s.* 16. *the Secret Committee are to be sworn.*

XV. Provided nevertheless, and be it further enacted, That if the said Board shall be of Opinion that the subject Matter of any of their Deliberations, concerning the levying of War or making of Peace, or treating or negotiating with any of the native Princes or States in *India*, shall require Secrecy, it shall and may be lawful for the said Board to send secret Orders and Instructions to the Secret Committee of the said Court of Directors for the Time being, who shall thereupon, without disclosing the same, transmit their Orders and Dispatches in the usual Form, according to the Tenor of the said Orders and Instructions of the said Board, to the respective Governments and Presidencies in *India*; and that the said Governments and Presidencies shall pay a faithful Obedience to such Orders and Dispatches, and shall return their Answers to the same, sealed (under Cover) with their respective Seals, to the said Secret Committee, who shall forthwith Communicate such Answers to the said Board.

XVI. And

Directors to appoint a Secret Committee;

XVI. And be it enacted by the Authority aforesaid, That it shall and may be lawful to and for the Court of Directors of the said United Company for the Time being, and they are hereby required, from Time to Time, to appoint a Secret Committee, to consist of any Number of the said Directors for the Time being, not exceeding three; which Secret Committee shall from Time to Time, upon the Receipt of any such secret Orders and Instructions concerning the levying of War or making of Peace, or treating or negotiating with any of the native Princes or States of *India*, from the said Commissioners for the Affairs of *India*, as are herein-before mentioned, transmit to the respective Governments and Presidencies in *India* a Duplicate or Duplicates of such Orders and Instructions, together with Orders in Writing, signed by them the Members of the said Secret Committee, to carry the same into Execution; and to all such Orders and Instructions, so transmitted, the several Governments and Presidencies in *India* are hereby required to pay the same Obedience as if such Orders and Directions had been issued and transmitted by the Court of Directors of the said United Company.

who are to transmit to the Governments in India Duplicates of such secret Orders sent them from the Board, &c.

The Board not to appoint any Servants of the Company.

XVII. Provided also, and be it further enacted and declared by the Authority aforesaid, That nothing in this Act contained shall extend to give unto the said Board the Power of nominating or appointing any of the Servants of the said United Company; any Thing herein contained to the contrary notwithstanding.

The first Vacancy of a Counsellor at Fort William shall not be supplied by the Court of Directors.

Repealed by 26 Geo. 3. c. 16. s. 5.

XVIII. And be it further enacted, That as soon as the Office of any one of the Counsellors of the Presidency of *Fort William* in *Bengal* (other than the Commander in Chief) shall become vacant, by Death, Removal, or Resignation, the Vacancy so happening shall not be supplied by the said Court of Directors, but the said Supreme Government shall from thenceforward consist of a Governor-General and three Supreme Counsellors only; *and that the Commander in Chief of the Company's Forces in* India *for the Time being, shall have Voice and Precedence in Council next after the said Governor-General*; any Thing in any former Act of Parliament contained to the contrary notwithstanding.

Clause relative to the Government of Fort St. George and Bombay.

Repealed by 26 Geo. 3. c. 16. s. 5.

XIX. And be it further enacted, That the Government of the several Presidencies and Settlements of *Fort Saint George* and *Bombay* shall, after the Commencement of this Act, consist of a Governor or President, and three Counsellors only, *of whom the Commander in Chief in the said several Settlements for the Time being shall be one, having the like Precedence in Council as in the Presidency of* Fort William *in* Bengal, unless the Commander in Chief of the Company's Forces in *India* shall happen to be present in either of the said Settlements; and in such Case the said Com-

civil or military, under the said United Company in *India*, for the Time being; and to vacate and make void all and every or any Appointment or Appointments of any Person or Persons to any of the Offices or Places aforesaid; and that all and every the Powers and Authorities of the respective Persons so removed or recalled, or whose Appointment shall be so vacated, shall cease or determine at or from such respective Time or Times as in the said Writing or Writings shall be expressed and directed: Provided always, That a Duplicate or Copy of every such Writing or Instrument, under his Majesty's Sign Manual, attested by the said Secretary of State for the Time being, shall, within eight Days after the same shall be signed by his Majesty, his Heirs or Successors, be transmitted or delivered, by the said Secretary of State, unto the Chairman or Deputy Chairman for the Time being of the said United Company, to the Intent that the Court of Directors of the said Company may be apprized thereof.

How Vacancies of Offices in India shall be supplied.

His Majesty's Approbation unnecessary, 26 Geo. 3. c. 25.

Explained by 26 Geo. 3. c. 16. s. 1 and 2.

XXIII. And be it further enacted, That whenever any Vacancy or Vacancies of the Office of Governor-General or President, or of any Member of the Council, shall happen in any of the Presidencies aforesaid, either by Death, Resignation, or Recall, as aforesaid, then and in such Case the Court of Directors of the said United Company shall proceed to nominate and appoint a fit Person or Persons to supply such Vacancy or Vacancies *from amongst their covenanted Servants in* India, except to the Office of Governor-General, or the Office of Governor or President of *Fort Saint George* or *Bombay*, or of any Commander in Chief, to which several Offices the said Court of Directors shall be at Liberty, if they shall think fit, to nominate and appoint any other Person or Persons respectively.

Commanders in Chief not to succeed to the Office of Governor-General or President at Fort William, &c. unless specially appointed by the Directors.

XXIV. Provided always, and be it further enacted, That the said Commanders in Chief, at each of the said Presidencies respectively, shall in no Case succeed to the Office of Governor-General or President of *Fort William*, *Fort Saint George*, or of *Bombay*, unless thereunto specially appointed by the Court of Directors of the said United Company; but that in Case of the Vacancy of the said Offices of Governor-General or President respectively, when no Person shall be specially appointed to succeed thereunto, the Counsellor next in Rank to such Commander in Chief shall succeed to such Office, and hold the same, until some other Person shall be appointed thereunto by the said Court of Directors.

If Directors neglect to

Repealed by 26 Geo. 3. c. 16. s. 3. with Respect to the senior Servant on the Spot.

bay, shall, by Death or Absence, by Reason of Sickness or otherwise, for fourteen Days be reduced to two, including the Governor-General or President of such Council, the Person who shall stand Senior in such provisional Appointment as is herein-before mentioned, *or in Case there shall be no such Appointment, then the senior civil Servant of the said Company upon the Spot*, shall be called to such Council, and shall have a Voice therein in like Manner as if he had been appointed thereunto by the Court of Directors of the said Company; and shall hold such Office, in Case the Vacancy shall have happened by Death, until a Successor thereunto shall be appointed by the said Court of Directors; or if such Vacancy shall have happened by Absence or Sickness, until the Return or Recovery of such sick or absent Member; and that all Persons so exercising the Office of a Counsellor at any of the said Presidencies shall be entitled, for the Time he shall so hold the same, to the like Advantages, as if he had been thereunto permanently appointed by the said Court of Directors.

Resignation of the Office of Governor-General, &c. to be in Writing.

XXVIII. And be it further enacted, That no Resignation to be made of the Offices of the Governor-General, or Governor or President of any of the subordinate Settlements, or Commander in Chief, or Member of the respective Councils of any of the said Presidencies in *India*, shall be deemed or construed to be legal or valid, or shall be accepted as such, unless the same be made by an Instrument in Writing under the Hand of the Officer or Person resigning the same.

Orders, &c. of the Court of Directors, approved by the Board, not to be revoked by a General Court.

XXIX. And be it further enacted, That no Order or Resolution of any General Court of the Proprietors of the said United Company shall be available to revoke or rescind, or in any Respect to affect, any Act, Order, Resolution, Matter, or Proceeding, of the said Court of Directors, by this Act directed or authorized to be made or done by the said Court, after the same shall have been approved by the said Board, in the Manner herein-before directed; any Law or Usage to the contrary notwithstanding.

Part of Act 21 Geo. 3. c. 65. repealed.

XXX. And be it further enacted, That so much and such Parts of an Act, made in the twenty-first Year of the Reign of his present Majesty, as directs the Court of Directors of the said United Company to deliver to the Commissioners of the Treasury, or to the High Treasurer for the Time being, or to one of his Majesty's principal Secretaries of State, Copies of any Letters or Orders relating to the Management of the Revenues, or the civil and military Affairs of the said Company; and also all such Powers and Authorities given to or vested in the Proprietors and Directors of the said United Company, or in any General or Special Court thereof respectively, in and by any Act of Parliament or Charter, as are contrary or repugnant to this Act, or any Thing herein contained, shall be, and the same are hereby repealed; any Thing contained in any Act or Charter, or any Custom or Usage to the contrary notwithstanding.

Governor-General and Council of Fort William, in certain Points, to controul all the other Governments belonging to the Company.

XXXI. And be it further enacted, That the Governor-General and Council of *Fort William* aforesaid shall have Power and Authority to superintend, controul, and direct the several Presidencies and Governments now or hereafter to be erected or established in the *East-Indies* by the said United Company, in all such Points as relate to any Transactions with the Country Powers, or to War or Peace, or to the Application of the Revenues or Forces of such Presidencies and Settlements in Time of War, or any such other Points as shall, from Time to Time, be specially referred by the Court of Directors of the said Company to their Superintendance and Controul.

Directions relative to Orders issued from Fort William to the other Governments.

XXXII. And, in order to prevent the Embarrassment and Difficulty which may arise from any Question, whether the Orders or Instructions of the Governor-General and Council of *Fort William* relate to other Points than those aforesaid, be it further enacted, That notwithstanding any Doubt which may be entertained by the said Presidencies or Settlements to whom such Orders or Instructions shall be given, respecting the Power of the Governor-General and Council to give such Orders, yet the said Presidencies or Settlements shall be bound to obey such Orders and Directions of the said Governor-General and Council in all Cases whatever, except only where they shall have received positive Orders and Instructions from the said Court of Directors, or from the Secret Committee of the said Court of Directors, repugnant to the Orders and Instructions of the said Governor-General and Council, and not known to the said Governor-General and Council at the Time of dispatching their Orders and Instructions as aforesaid; and the said Governor-General and Council shall, at the Time of transmitting all such Orders and Instructions, transmit therewith the Dates of, and the Times of receiving, the last Dispatches, Orders, and Instructions which they have received from the Court of Directors, or from the Secret Committee of the said Court of Directors, on any of the Points contained therein: And the said Presidencies and Governments, in all Cases where they have received any Orders from the said Court of Directors, or from the Secret Committee of the said Court of Directors, as aforesaid, which they shall deem repugnant to the Orders of the said Governor-General and Council of *Fort William*, and which were not

not known to the said Governor-General and Council at the Time of dispatching their Orders and Instructions as aforesaid, shall forthwith transmit Copies of the same, together with an Account of all Resolutions or Orders made by them in Consequence thereof, to the Governor-General and Council of *Fort William*, who shall, after the Receipt of the same, dispatch such further Orders and Instructions to the said Presidencies and Settlements as they may judge necessary thereupon.

Directions respecting the Consideration of Business at the several Boards in India.

XXXIII. And be it further enacted, That the Governor-General and Council of *Fort William* aforesaid, and the several Presidents and Counsellors of *Fort Saint George* and *Bombay*, shall, at their several and respective Boards and Councils, proceed, in the first Place, to the Consideration of such Questions and Business as shall be proposed by the said Governor-General or Presidents respectively; and when and so often as any Matter or Question shall be propounded at any of the said Boards or Councils, by any of the Counsellors thereof it shall be competent to the said Governor-General and Presidents respectively, to postpone or adjourn the Discussion of the Matter or Question so propounded to a future Day: Provided always, That no such Adjournment shall exceed forty-eight Hours, nor shall the Matter or Question so proposed be adjourned more than twice, without the Consent of the Counsellor who originally proposed the same.

Governor-General, &c. of Fort William not to declare War against any Indian Power, unless authorized by the Directors. (Exception.)

XXXIV. And whereas to pursue Schemes of Conquest and Extension of Dominion in *India*, are Measures repugnant to the Wish, the Honour, and Policy of this Nation; be it therefore further enacted by the Authority aforesaid, That it shall not be lawful for the Governor-General and Council of *Fort William* aforesaid, without the express Command and Authority of the said Court of Directors, or of the Secret Committee of the said Court of Directors, in any Case (except where Hostilities have actually been commenced, or Preparations actually made for the Commencement of Hostilities, against the *British* Nation in *India*, or against some of the Princes or States dependant thereon, or whose Territories the said United Company shall be at such Time engaged by any subsisting Treaty to defend or guarantee) either to declare War or commence Hostilities, or enter into any Treaty for making War against any of the Country Princes or States in *India*; or any Treaty for guaranteeing the Possessions of any Country Princes or States; and that in such Case it shall not be lawful for the said Governor-General and Council to declare War or commence Hostilities, or enter into Treaty for making War, against any other Prince or State than such as shall be actually committing Hostilities, or making Preparations as aforesaid, or to make such Treaty for guaranteeing the Possessions of any Prince or State, but upon the Consideration of such Prince or State actually engaging to assist the Company against such Hostilities commenced, or Preparations made as aforesaid; and in all Cases where Hostilities shall be commenced or Treaty made, the said Governor-General and Council shall, by the most expeditious Means they can devise, communicate the same unto the said Court of Directors, together with a full State of the Information and Intelligence upon which they shall have commenced such Hostilities, or made such Treaties, and their Motives and Reasons for the same at large.

No Governor or President, &c. of any subordinate Settlement shall issue any Order for levying War, &c. (except in Cases of Emergency), unless by Order of the Governor-General, &c. of Fort William, or the Court of Directors.

XXXV. And be it further enacted, That it shall not be lawful for the Governors or Presidents, and Counsellors, of *Fort Saint George* and *Bombay*, or of any other subordinate Settlement respectively, to make or issue any Order for commencing Hostilities, or levying War, or to negotiate or conclude any Treaty of Peace, or other Treaty, with any *Indian* Prince or State (except in Cases of sudden Emergency or imminent Danger, when it shall appear dangerous to postpone such Hostilities or Treaty), unless in Pursuance of express Orders from the said Governor-General and Council of *Fort William* aforesaid, or from the said Court of Directors, or from the Secret Committee of the said Court of Directors; and every such Treaty shall, if possible, contain a Clause for subjecting the same to the Ratification or Rejection of the Governor-General and Council of *Fort William* aforesaid: And the said Presidents and Counsellors of the said Presidencies and Settlements of *Fort Saint George* and *Bombay*, or other subordinate Settlement, are hereby required to yield due Obedience to all such Orders as they shall from Time to Time respectively receive from the said Governor-General and Council of *Fort William* aforesaid, concerning the Premises.

Subordinate Presidents and Counsellors disobeying the Orders of the said Governor-General, &c. may be suspended.

XXXVI. And be it further enacted, That all and singular the said Presidents and Counsellors who shall wilfully refuse to pay due Obedience to such Orders and Instructions as they shall receive from the said Governor-General and Council of *Fort William* as aforesaid, shall be liable to be suspended from the Exercise of their respective Offices or Powers, by Order of the said Governor-General and Council of *Fort William*; and all and every of them are hereby further required, constantly and diligently to transmit to the said Governor-General and Council of *Fort William*

They are to transmit Copies of all Acts in Council to the said Governor-General, &c.

William aforesaid, true and exact Copies of all Orders, Resolutions, and Acts in Council, of their respective Governments, Presidencies, and Councils, and also Advice and Intelligence of all Transactions and Matters which shall come to their Knowledge, material to be communicated to the Governor-General and Council of *Fort William* aforesaid, or which the said Governor-General and Council shall from Time to Time require.

Court of Directors to take into Consideration the Demands of British Subjects on the Nabob of Arcot;

XXXVII. And whereas very large Sums of Money are claimed to be due to *British* Subjects by the Nabob of *Arcot*, in the Recovery whereof it is expedient that such Assistance should be given them as shall be consistent with the Rights of the said United Company, the Security of the Creditors, and the Honour and Dignity of the said Nabob; be it enacted, That the Court of Directors of the said Company shall, as soon as may be, take into Consideration the Origin and Justice of the said Demands, as far as the Materials they are in Possession of shall enable them to do; and that they shall give such Orders to their Presidencies and Servants abroad for completing the Investigation thereof, as the Nature of the Case shall require, and for establishing in Concert with the said Nabob, such Fund for the Discharge of those Debts which shall appear to be justly due, according to their respective Claims of Priority, as shall be consistent with the Rights of the said United Company, the Security of the Creditors, and the Honour and Dignity of the said Nabob.

and also the Disputes between the said Nabob and the Rajah of Tanjore.

XXXVIII. And, for settling upon a permanent Foundation the present indeterminate Rights and Pretensions of the Nabob of *Arcot*, and the Rajah of *Tanjore*, with Respect to each other, be it further enacted by the Authority aforesaid, That the Court of Directors of the said United Company shall take into their immediate Consideration the said indeterminate Rights and Pretensions, and take and pursue such Measures as in their Judgment and Discretion shall be best calculated to ascertain and settle the same, according to the Principles and the Terms and Stipulations contained in the Treaty of one thousand seven hundred and sixty-two, between the said Nabob and the said Rajah.

Complaints of Rajahs, Zemindars, &c. to be taken into Consideration by the Directors,

XXXIX. And whereas Complaints have prevailed, that divers Rajahs, Zemindars, Polygars, Talookdars, and other native Landholders within the *British* Territories in *India*, have been unjustly deprived of, or compelled to abandon and relinquish, their respective Lands, Jurisdictions, Rights, and Privileges, or that the Tributes, Rents, and Services required to be by them paid or performed for their respective Possessions to the said United Company, are become grievous and oppressive: And whereas the Principles of Justice, and the Honour of this Country, require that such Complaints should be forthwith inquired into and fully investigated, and if founded in Truth effectually redressed; Be it therefore enacted, That the Court of Directors of the said United Company shall, and they are hereby accordingly required forthwith to take the said Matters into their serious Consideration, and to adopt, take, and pursue such Methods for enquiring into the Causes, Foundation, and Truth of the said Complaints, and for obtaining a full and perfect Knowledge of the same, and of all Circumstances relating thereto, as the said Court of Directors shall think best adapted for that Purpose; and thereupon, according to the Circumstances of the respective Cases of the said Rajahs, Zemindars, Polygars, Talookdars, and other native Landholders, to give Orders and Instructions to the several Governments and Presidencies in *India*, for effectually redressing, in such Manner as shall be consistent with Justice and the Laws and Customs of the Country, all Injuries and Wrongs which the said Rajahs, Zemindars, Polygars, Talookdars, and other native Landholders, may have sustained unjustly in the Manner aforesaid, and for settling and establishing, upon Principles of Moderation and Justice, according to the Laws and Constitution of *India*, the permanent Rules by which their respective Tributes, Rents, and Services, shall be in Future rendered and paid to the said United Company, by the said Rajahs, Zemindars, Polygars, Talookdars, and other native Landholders.

and their Grievances redressed.

All the Company's Establishments, civil or military, in India, to be taken into Consideration by the Directors, who shall make all practicable Retrenchments and Reductions therein.

XL. And, to the End and Intent that the *British* Establishments in *India*, as well civil as military, may be regulated and improved, for the greater Security of the State, the Advantage of the Service, and the Benefit of the said United Company; be it enacted by the Authority aforesaid, That the Directors of the *East-India* Company shall take into their immediate Consideration the respective Establishments, civil and military, of their several Presidencies and Settlements in *India*, and give such Orders as the Case will admit, for every practicable Retrenchment and Reduction in the same; and shall also require, from the said Settlements and Presidencies respectively, such farther Information as may be necessary to furnish them with a Knowledge of the State of such Establishments, together with full, minute, accurate, and particular Lists and Accounts to be stated, of all the Offices and Employments on the civil Establishment of the said United Company in *India*, and of all the Forces within the several *British* Settlements

ments in the Pay or Service of the said United Company in *India*, distinguishing the different Bodies, Nations, or People which compose the same, and the Salaries and Emoluments appertaining to all and every of the said Offices and Employments, and the Pay and Emoluments of the commissioned and non-commissioned Officers and private Men in the Army there, as well in Peace as in War, together with the Opinions of the respective Governments and Presidencies, what Method or System can be adopted, for the better Regulation as well of the said Offices and Employments as of the said Forces, for retrenching unnecessary Expenses, and for introducing a just and laudable Economy in every Branch of the said civil and military Departments: And the Court of Directors of the said United Company shall, as soon as may be after the Receipt of the said Lists and Accounts, take the same into their Consideration, and thereupon, by their Order, declare what Offices, Places, and Employments, as well civil as military, will in their Judgment be adequate to the Support of the Honor and Dignity of this Kingdom in the *East-Indies*, and the Safety, Defence, and Security of the *British* Possessions there; and make and transmit to the said Presidencies and Settlements complete and perfect Lists of the said Offices, Places, and Employments; and specify and direct the Rate and Quantum of the respective Pay, Salaries, and Emoluments to be hereafter allowed in Respect thereof by the said United Company, as well in Peace as in War: And the said Court of Directors shall, and they are hereby required, within fourteen Days after the Commencement of every Session of Parliament, to bring before the two Houses of Parliament a perfect List of all Offices, Places, and Employments, in the civil and military Establishments of the said United Company in the *East-Indies*, with the Salaries or Pay, and Emoluments belonging thereto, or allowed or paid by the said Company in Respect thereof.

A List of all Offices, &c. in the Company's Establishments in India, to be laid before the two Houses of Parliament.

Restrictions on the Directors relative to sending new Servants to India.

XLI. And be it further enacted, That until the said several Lists of the Offices, Places, and Employments shall have been made and established as aforesaid, the said Court of Directors shall be, and they are hereby prohibited from appointing or sending to *India* any new Servant, civil or military, under the Degrees of the respective Counsellors and Commanders in Chief; and after such Lists shall have been perfected and established, the said Court of Directors shall in no wise appoint or send out any greater Number of Persons to be Cadets or Writers, or in any other Capacity, than will be actually necessary, in Addition to the Persons on the Spot, to supply and keep up the proper Complement or Number of Officers and Servants contained in the said Lists, according to such Returns of Vacancies as the proper Officers of the said Company shall, from Time to Time, transmit from *India* to the said Court of Directors.

Regulations relative to Promotions of Officers, &c. in India. *Explained by 26 Geo. 3. c. 16 s. 13, 14, 15.*

XLII. And be it further enacted, That, from and after the Commencement of this Act, all Promotions and Advancements of the Officers and Servants of the said United Company in *India*, as well civil as military, in their respective Lines or Professions, under the Degrees of the respective Counsellors and Commanders in Chief, shall be made according to seniority of Appointment, in a regular progressive Succession, unless any of the said Governments and Presidencies shall, on any very urgent Occasion, by a Vote in Council, see Cause to deviate from the said general Rule hereby directed to be observed; and on every such Occasion the said Government or Presidency shall cause a full and perfect Entry to be made upon their Minutes of Consultation, specifying all the Circumstances of the Case, and their Reasons and Inducements at large for making such Deviation, and shall transmit the same to the said Court of Directors, by the first Opportunity that shall occur, for their Order and Direction therein; and that all Nominations and Appointments to be made repugnant or contrary to the Directions of this Act, whether the same shall be made by the Court of Directors of the said United Company, or by any of the said Governments or Presidencies, (save and except in Cases of Urgency as aforesaid), shall be null and void.

At what Age Writers and Cadets may be sent to India.

XLIII. And be it further enacted, That from and after the passing of this Act, no Person shall be capable of acting, or of being appointed or sent out by the said Court of Directors to the *East-Indies*, in the Capacity of a Writer or Cadet, whose Age shall be under fifteen Years, or shall exceed the Age of twenty-two Years; and that no Person shall be capable of acting, or of being appointed or sent out in either of such Capacities, until he shall have procured and left with the Secretary of the said United Company, or of the said Court of Directors, a Certificate of his Age, under the Hand of the Minister of the Parish in which he was baptized, or Keeper of the Registry of the same; and that when no such Registry shall exist or can be found, an Affidavit of that Fact shall be made by the Party, with his Information and Belief that his Age is not less that fifteen Years, and doth not exceed twenty-two Years; and such Affidavit shall and may, if the said Court of Directors shall so think fit, be received and left with the said Secretary in the

Stead of such Certificate: Provided that nothing herein contained shall extend to prevent the said Court of Directors from appointing any Persons to be Cadets, who shall have actually been one whole Year commissioned Officers in his Majesty's Service, or in the Militia, or Fencible Men, when embodied and called out into actual Service, or from the Company of Cadets in the Royal Regiment of Artillery, and whose Age shall not exceed twenty-five Years.

British Subjects amenable to Justice for all Acts done in India.

See further 26 *Geo.* 3. *c.* 57. *s.* 29.

XLIV. And be it further enacted, That all his Majesty's Subjects, as well Servants of the said United Company as others, shall be and are hereby declared to be, amenable to all Courts of Justice (both in *India* and in *Great-Britain*) of competent Jurisdiction to try Offences committed in *India*, for all Acts, Injuries, Wrongs, Oppressions, Trespasses, Misdemeanors, Crimes, and Offences whatsoever, by them or any of them done, or to be done or committed, in any of the Lands or Territories of any native Prince or State, or against their Persons or Properties, or the Persons or Properties of any of their Subjects or People, in the same Manner as if the same had been done or committed within the Territories directly subject to and under the *British* Government in *India*.

Receiving of Presents to be deemed Extortion, and punished as such.

XLV. And be it further enacted, That the demanding or receiving of any Sum of Money, or other valuable Thing, as a Gift or Present, or under Colour thereof, whether it be for the Use of the Party receiving the same, or for, or pretended to be for, the Use of the said Company, or of any other Person whomsoever, by any *British* Subject holding or exercising any Office or Employment under his Majesty, or the said United Company, in the *East-Indies*, shall be deemed and taken to be Extortion, and shall be proceeded against and punished as such, under and by Virtue of this Act; and the Offender shall also forfeit to the King's Majesty, his Heirs and Successors, the whole Gift or Present so received, or the full Value thereof.

Court may order Presents to be returned, &c.

XLVI. Provided always, and be it further enacted, That the Court or Jurisdiction before whom every such Offence shall be tried, shall have full Power and Authority to direct the said Present or Gift, or the Value thereof, to be restored to the Party who gave the same, or to order the Whole, or any Part thereof, or of any Fine which the Court shall set on the Offender, to be paid or given to the Prosecutor or Informer, as such Court in its Discretion shall think fit.

Part of Act 13 Geo. 3. c. 63. repealed.

XLVII. And be it further enacted, That so much of the aforesaid Act of the thirteenth Year of the King's Majesty's Reign, as subjects any Person receiving or accepting Gifts or Presents to any Penalty or Forfeiture for so doing, or as directs that such Gifts, Presents, Penalties, or Forfeitures, shall belong to the said Company, shall be repealed, from and after the first Day of *January*, one thousand seven hundred and eighty-five: Provided that no Prosecutions or other Suits, already commenced, or to be commenced before the first Day of *January*, one thousand seven hundred and eighty-five, upon the said Act, shall be effected by such Repeal.

Counsellors, Physicians, &c. not prohibited from taking Fees.

XLVIII. Provided always, and be it enacted, That nothing herein contained shall extend, or be construed to extend, to prohibit or prevent any Person exercising the Profession of Counsellor at Law, Physician, or Surgeon, or any Chaplain, from accepting, taking, or receiving Fees, Gratuities, or Rewards, *(bonâ Fide)*, in the Way of his Profession only.

Disobeying the Orders of the Directors,

XLIX. And be it further enacted, That the wilful disobeying, or the wilful omitting to execute the Orders or Instructions of the Court of Directors of the said United Company, by any of the Officers or Servants of the said United Company in the *East-Indies*, (unless in Cases of Necessity, the Burthen of the Proof of which Necessity shall be on the Party so disobeying or omitting to execute such Orders and Instructions as aforesaid), and every wilful Breach of the Trust and Duty of any Office or Employment under the said United Company, by any of the Officers or Servants of the said United Company in the *East-Indies*, shall be deemed and taken to be a Misdemeanor at Law, and shall be proceeded against and punished as such by Virtue of this Act.

or making any corrupt Bargain to obtain, &c. any Office under the Company in India, to be punished as a Misdemeanor.

L. And be it further enacted by the Authority aforesaid, That the making or entering into, or being a Party to any corrupt Bargain or Contract, for the giving up, or for obtaining, or in any other Manner touching or concerning the Trust and Duty of any Office or Employment under the said United Company in the *East-Indies*, by any *British* Subjects whomsoever there Resident, shall be deemed and taken to be a Misdemeanor at Law, and shall be proceeded against and prosecuted as such by Virtue of this Act.

Company's Servants dismissed by any competent Court, not to be restored, &c.

LI. And be it further enacted, That after Sentence or Judgment of any Court having competent Jurisdiction, whether in *Great-Britain* or in *India*, against any of the said United Company's Servants, civil or military, for any Debt or Penalty due or belonging to the said United Company, or for any Extortion or other Misdemeanor, it shall not be lawful for the said United Company,

pany, upon any Pretence whatsoever, to release or compound such Sentence or Judgment, or to restore any Servant or Servants of the said Company, who shall have been removed or dismissed from his or their Office or Employment, for or on Account of Misbehaviour, by the Sentence of any of the said Courts.

Company's Revenue Officers (being British-born Subjects) to be sworn.

LII. And, for the remedying of the Abuses which have prevailed in the Collection and Receipt of the Revenues of the said United Company, be it further enacted by the Authority aforesaid, That every Person (being a *British*-born Subject) who is or shall be appointed or authorized to collect, manage, controul, or receive the Rents, Duties, or Revenues of and belonging, and due and payable to the said United Company, shall, before he enters upon the Collection and Receipt thereof, take and subscribe the following Oath; which Oath the Chief Justice, or one of the puisne Judges of the Supreme Court of Judicature at *Bengal*, or the Mayor or other Magistrate in any of the other Presidencies or Settlements, shall, and is hereby authorized and commanded to administer; and such Oath, so administered, shall be recorded in the Supreme Court at *Calcutta*, or in one of the said Provincial or Mayor's Courts; (that is to say);

The Oath.

"I A. B. *do promise and swear, That I will, to the utmost of my Endeavours, well and faithfully execute and discharge the Duties of an Officer of Revenue, reposed in and committed to me by the United Company of Merchants of* England *trading to the* East-Indies; *and that I will not demand, take, or accept, directly or indirectly, by myself, or by any other Person for my Use or on my Behalf, of or from any Rajah, Zemindar, Talookdar, Polygar, Renter, Ryot, or other Person, paying or liable to pay any Tribute, Rent, or Tax, to or for the Use of the said United Company, any Sum of Money, or other valuable Thing, by way of Gift, Present, or otherwise, over and above, or besides and except, the actual Tribute, Rent, or Tax, authorized to be taken by and for the Use of the said United Company; and that I will justly and truly account and answer for the same to the said United Company.*

So help me GOD."

Governor-General of Fort William may issue his Warrant for securing any Person suspected of carrying on illicit Correspondence, &c.

and may commit him.

LIII. And be it further enacted, That it shall and may be lawful for the Governor-General of *Fort William* aforesaid for the Time being, to issue his Warrant under his Hand and Seal, directed to such Peace-Officers and other Persons as he shall think fit, for securing and detaining in Custody any Person or Persons suspected of carrying on, mediately or immediately, any illicit Correspondence, dangerous to the Peace or Safety of the Settlement, or of the *British* Possessions in *India*, with any of the Princes, Rajahs, Zemindars, or other Person or Persons whomsoever having Authority in *India*, or with the Commanders, Governors, or Presidents of any Factories established in the *East-Indies* by any *European* Power, contrary to the Rules and Orders of the said Company, or of the Governor-General and Council of *Fort William* aforesaid; and if, upon Examination, taken upon Oath in Writing, of any Person or Persons (other than the Person so secured and detained) before the Governor-General and Council of *Fort William* aforesaid, there shall appear reasonable Grounds for the Charge, the said Governor-General shall be, and is hereby authorized and impowered to commit such Person or Persons above described to safe Custody, and shall within a reasonable Time, not exceeding five Days, cause to be delivered to him or them the Charge or Accusation on which he has or they have been committed; and the Party so confined shall be permitted to deliver in his Defence in Writing, together with a List of such Witnesses as he shall desire to be examined in Support of his Defence, who shall be examined accordingly in his Presence, and their Examinations taken down in Writing; and if, notwithstanding such Defence, there shall appear to the said Governor-General and Council reasonable Grounds for the former Proceeding, and for continuing the Confinement, the Party shall remain in Custody until he or they shall be brought to Trial in *India*, or sent to *England* for that Purpose; and that all such Examinations and Proceedings shall be transmitted to the said Court of Directors by the first Dispatches; and in Case such Person or Persons are to be sent to *England*, the said Governor-General shall, and he is hereby required to cause such Person or Persons to be sent by the first convenient Opportunity, unless such Person or Persons shall be disabled by Illness from undertaking the Voyage.

If the Party accused cannot exculpate himself, he shall remain in Custody till Trial.

Presidencies of Fort Saint George and Bombay to have similar Powers.

LIV. And be it further enacted, That the several Presidencies and Governments of *Fort Saint George*, and *Bombay*, shall have the like Powers, and subject to the same Regulations and Restrictions, to secure and detain Persons suspected of any such illicit Correspondence as aforesaid, within their respective Presidencies and Settlements, as are hereby given to the said Governor-General and Council of *Fort William*.

[N. B. *The next eight Sections of this Act relate to the Delivery of Inventories for the Disclosure of the Property acquired by the Company's Servants in India; but are repealed by* 26 *Geo.* 3. *cap.* 57. *sect.* 31. *and are therefore omitted.*]

No Officer of the Company in India, after returning to this Kingdom, and residing in Europe for five Years, (unless it were on Account of his Health), shall be capable of any Appointment to India again.

LXIII. And be it further enacted, That no Person or Person or Persons whatsoever, who shall have been appointed to any civil or military Station, Office, or Capacity whatsoever, in the *East-Indies*, by the sole Appointment of the said United Company, or who shall have been appointed to such Station, Office, or Capacity, in the Service of the said United Company, by his Majesty, his Heirs or Successors, upon the said Court of Directors neglecting to make such Appointment as aforesaid, shall be capable of being appointed to the same, or any other Station, Office, or Capacity, in the *East-Indies*, or to claim or exercise, or be capable of claiming or exercising, any Power, Authority, or Jurisdiction there, after he or they, having returned to this Kingdom, shall have been resident therein, or in any other Part of *Europe*, for the Space of five Years, unless it shall be made appear, by the Oath of credible Witnesses, or other authentic Testimony, to the Satisfaction as well of the said Board for the Affairs of *India*, as of the Court of Directors of the said United Company, that such Residence in *Europe* was on the Account of, and became actually necessary for, the Health of such Person or Persons respectively; any Law or Usage to the contrary notwithstanding: Provided always, That nothing herein contained shall extend, or be construed to extend, to any Appointment which shall be made by the Court of Directors of the said United Company, with the Consent and Approbation of three-fourths of a General Court of Proprietors of the said United Company, specially convened for that Purpose.

Exception.

Method of Procedure against British Subjects who shall be guilty of Extortion, or other Misdemeanors, in the East Indies.

Explained by 26 Geo. 3. c. 57. s. 25, 29.

LXIV. And whereas it would conduce to the better Government, Management, and Ordering of the Territories, Possessions, Revenues, and Commerce of the said United Company, if some more effectual Course than the Common Law hath provided were devised, for the prosecuting and bringing to speedy and condign Punishment Persons guilty of the Crime of Extortion, and other Misdemeanors, committed in the *East-Indies*, by *British* Subjects holding Offices or Employments there under his Majesty, his Heirs or Successors, or under the said United Company; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful to and for the Coroner and Attorney of our Lord the King, in the Court of King's Bench, by Rule of the Court of King's Bench, to be obtained upon Motion to be made for that Purpose, at the Instance of any Person or Persons, (and which Rule the said Court is hereby impowered to grant at their Discretion, if the Magnitude and Circumstances of the Case shall appear to the said Court to render it proper), or for his Majesty's Attorney-General, or for the Court of Directors or Court of Proprietors of the said United Company, in the Name of the said United Company, to exhibit in the said Court of King's Bench, an Information against any such Person, for any such Offence as aforesaid, committed after the first Day of *March*, one thousand seven hundred and eighty-five; whereupon the said Court shall and may, at the Instance of the Prosecutor, cause the Party against whom such Information shall have been exhibited as aforesaid to be attached, and may and shall order him to stand committed to the Prison of the *Marshalsea*, or to the Tower of *London*, or to the Gaol of *Newgate*, at the Discretion of the said Court, there to be detained until he shall be delivered by due Course of Law, or until he, together with two sufficient Sureties, shall have entered into a Recognizance unto the King's Majesty, his Heirs and Successors, in such Sum of Money, and with such Condition for his Appearance, and for satisfying the Judgment to be pronounced in and upon such Information, as to the said Court in its Discretion shall seem meet; and when the Defendant shall have appeared and pleaded to the said Information, the Chief Justice, or some of the Justices of the said Court of King's Bench, shall, within ten Days, (unless any *Mandamus* shall be granted for the Examination of Witnesses as herein-after provided, upon a Motion to be made within a Time to be limited by the said Court of King's Bench for that Purpose), deliver the Record of the said Information and Plea to the Lord High Chancellor of *Great-Britain*, or Lord Keeper, or Lords Commissioners for the Custody of the Great Seal of *Great-Britain*, who shall thereupon issue a Commission under the said Great Seal in Manner herein-after provided.

If any Person accused shall neglect to appear, &c. the Information shall proceed notwithstanding.

LXV. And be it further enacted, That if any Person or Persons against whom any Information shall be exhibited under the Authority of this Act, shall neglect or refuse, within such respective Times as shall be allowed to him or them for those Purposes, by the Rules, or according to the Discretion of the said Court, to appear and plead Not Guilty to such Information, it shall and may be lawful for his Majesty's Attorney-General, or other Prosecutor, to cause an Appearance, and the Plea of Not Guilty, to be entered for such Person or Persons; and the said Information shall thereupon proceed as if the Party or Parties had appeared, and pleaded Not Guilty thereto.

Within 30 Days from the Commencement of every Session, the House of Lords shall chuse by Ballot 26

LXVI. And be it further enacted, That within thirty Days from the Commencement of the next and every future Session of Parliament, the Lords Spiritual and Temporal shall proceed to chuse, nominate, and appoint, twenty-six or more Members of their House; and the Commons of

of *Great-Britain*, in Parliament assembled, forty or more Members of the said House of Commons, to be chosen by Ballot; and the Speaker of each House respectively shall cause the List of the said Names, so chosen, to be transmitted, under their respective Hands and Seals, to the Clerk of the Crown in Chancery, or his Deputy: And that whenever a Commission is to be issued under the Great Seal of *Great-Britain*, by Virtue of this Act, the Lists so returned shall be delivered over to such three Judges of the Courts of King's Bench, Common Pleas, or Exchequer, as the said Courts shall for that Purpose respectively appoint, one Judge being nominated from each of the said Courts respectively; and if the said Lists shall contain more than twenty-six Members of the House of Lords, or forty of the House of Commons respectively, the said Judges shall, within three Days from the Receipt thereof, cause the Names contained in the said List or Lists of either or both Houses respectively (as the Case may happen) to be put into a Box or Boxes, and twenty-six Names of the said Peers, and forty Names of the said Commons, to be publicly drawn by Lot, in the Presence of the said Judges; and that the said three Judges shall have Power and Authority, and they are hereby required to give Notice to all such Members of the two Houses of Parliament, whose Names shall have been so returned, or drawn by Lot as aforesaid, and also to his Majesty's Attorney General, or other Prosecutor, and also to the Party accused, as the Case may require, of the Time and Place to be appointed by the said Judges (not exceeding twenty Days from such Lists being delivered to them as aforesaid) for proceeding in the Execution of this Act; and the Names of all such Members of either House of Parliament as shall not attend in Consequence of such Notice, shall be transmitted to the Speaker of each House respectively, within three Days, if Parliament be then sitting, or if not, within three Days after the next Meeting of Parliament; and all such Persons as shall appear to have made Default as aforesaid, shall forfeit to his Majesty, his Heirs and Successors, the Sum of five hundred Pounds each, unless they shall offer such Excuses as shall appear to each House of Parliament respectively to be valid and sufficient: And if any Member of either House of Parliament, whose Name shall have been drawn by Lot in the Presence of the said Judges as aforesaid, shall have departed this Life, or shall hold any civil Office of Profit under the Crown, during his Majesty's Pleasure, or shall be, or shall have been, a Member of the said Board for the Affairs of *India*, or shall be, or shall have been a Director of the said Company, or shall hold, or shall have held, any Office or Employment in the Service of the said Company in *India*, then, in each and every such Case, another Name shall be drawn out of the same Box (if any such Name there be) instead of the Name of such Person.

Members of their House, and the House of Commons 40 of theirs.

The Lists to be delivered to three Judges appointed by the different Courts.

Names of the Members of either House returned, &c. who shall not attend, on receiving proper Notice, to be transmitted to the Speaker.

Defaulters to forfeit 500*l.* each.

The Senior Judge present to be President of the Meeting.

LXVII. And be it further enacted, That the Senior of the said three Judges present at the respective Meetings of the said Special Commissioners shall be the President of such Meeting or Meetings: And that all Questions, Resolutions, and Determinations before the said Special Commissioners, shall be by a Majority of Voices of the Special Commissioners then and there present; and if the Voices shall be equal, the then President shall have a second or casting Voice.

Twenty-six Members of the House of Peers, how to be chosen.

Varied by 26 Geo. 3. c. 57. s. 2.

LXVIII. *And be it further enacted, That the Members of the House of Peers hereby directed to be named by the said House for the Purposes aforesaid, shall be chosen, nominated, and appointed, in the Manner following; (that is to say,) That at any Time within thirty Days from the Commencement of the next and every future Session of Parliament, when it shall appear that there are fifty Lords Spiritual and Temporal, at the least, then present, the Lords shall be called; and if there are fifty present, the Lords shall thereupon proceed to deliver in, at the Table, Lists, each of which Lists shall contain the Names of twenty-six Lords, and shall be signed by the Lord who delivers such List; which List being delivered in, shall be referred to a Committee of Lords to be then appointed, who shall examine the said Lists, and forthwith report to the House the Name of every such Lord whose Name shall appear on ten such Lists; and if the Names so returned shall not amount to twenty-six at the least, the Lords present shall be required to deliver in fresh Lists, each List containing a Number of Names equal to that Number by which the List returned shall fall short of twenty-six, and so as often as the Case shall happen; and no Lord present when the House shall be called over shall depart until the said Lists of twenty-six Peers shall be made as aforesaid.*

Manner of chusing the 40 Members of the House of Commons.

Varied by 26 Geo. 3. c. 57. s. 2.

LXIX. *And be it further enacted, That the Members of the House of Commons, hereby directed to be named by that House for the Purposes aforesaid, shall be chosen, nominated, and appointed, in the Manner following; (that is to say,) That at any Time within thirty Days from the Commencement of the next and every future Session of Parliament (and after the Speaker of the said House shall have taken the Chair), it shall and may be lawful for any Member, after four of the Clock in the Afternoon, to require that the Doors of the House shall be locked, and that the House shall be told by the Speaker; and if it shall appear that there are two hundred Members or more then present, the Members of the House shall thereupon proceed to deliver in, at the Table, Lists, each of which Lists shall contain the Names of forty Members; which Lists being delivered in, shall be referred to a Committee of five Members to be then appointed, who*

shall examine the said Lists, and shall forthwith report to the House the Name of every such Member whose Name shall appear on twenty of the said Lists; and if the Names so returned shall not amount to forty at the least, the Members present shall be required to deliver in fresh Lists, each List containing a Number of Names equal to that Number by which the List returned shall fall short of forty, and so often as the Case shall happen; and the Doors of the House shall not be opened until the said List of forty Members, or more, shall be fully completed in Manner aforesaid.

Names of Persons holding Offices under the Crown during Pleasure, &c. to be struck out of the List.

LXX. Provided always, and be it enacted, That if any of the Persons named in such Lists shall appear to hold any civil Office of Profit under the Crown during his Majesty's Pleasure, or to be, or to have been, a Member of the said Board for the Affairs of *India*, or to be, or to have been, a Director of the said Company, or to hold, or to have held, any Office or Employment in the Service of the said Company in *India*; the Names of all and every such Persons shall be struck out of the said List returned to the House by the said Committee, upon such List being read over at the Table.

The Party to be tried shall have Liberty to challenge 13 Peers and 20 Commoners.

Further Challenges for Cause given by 26 Geo. 3. c. 57. s. 5.

Prosecutor may also make Challenges.

The first four Names of the Peers, and the first six of the Commoners, drawn out after the Challenges, &c. shall be returned by the Judges to the Lord Chancellor, to be inserted, with those of the said Judges, in a Special Commission, &c.

By 26 Geo. 3. c. 57. s. 5. five Peers and seven Commoners are to constitute the Court.

LXXI. *And be it further enacted, That the Names of all such Members of either House of Parliament, contained in the said Lists of twenty-six Peers and of forty Commoners, which shall have been drawn by Lot in Presence of the three Judges as aforesaid, as shall personally appear at the Time and Place appointed as aforesaid, shall be put into a Box, to be drawn out by Lot, in Presence of the said Judges, and of the Parties, or their Counsel or Agents, and the Person against whom such Information shall have been exhibited as aforesaid, shall have the Liberty, as the Names are drawn out, to make peremptory Challenges, to the Number of thirteen of the Peers, and twenty of the Members of the House of Commons, whose Names shall have been put into the said Box, and his Majesty's Attorney-General, or other Prosecutor, as the Case may happen, shall have Power to make Challenges to any of the Names which shall be so drawn out, and to assign for Cause of Challenge any such Matter as in the Opinion of the three Judges, or the Majority of them, shall appear in their Discretion sufficient to set them aside, for the Purpose of obtaining them equal Justice; and the first four Names of the said Peers, and likewise the first six Names of the said Commoners, which shall be drawn out after the said Number of Challenges respectively, or which, being drawn out, shall not be so challenged, shall be returned by the said Judges to the Lord High Chancellor, who shall cause the Names of the said Peers, and Members of the House of Commons, together with those of the said three Judges appointed as aforesaid, to be inserted in the Special Commission to be issued by Virtue of this Act; and the Persons whose Names are so inserted in the Commission shall appear, within ten Days, at the Time and Place to be appointed by the said three Judges, and take the following Oath, before the Lord High Chancellor, or Lord Keeper, or Lords Commissioners of the Great Seal for the Time being, or any one of them.*

Oath to be taken by the Special Commissioners.

"I A. B. do swear, That I will well and truly try and determine, to the best of my Judgment, the Matter now to be brought before me, according to the Evidence that shall be given.

"So help me GOD."

Their Powers.

And in Case the Challenges shall reduce the Number of Names so drawn out to less than four Peers and six Commons respectively, then in such Case the said three Judges shall certify the same to the respective Houses of Parliament, who shall proceed with all convenient Dispatch to appoint and ballot afresh for Lists of Members to be transmitted to the Clerk of the Crown, or his Deputy, and afterwards to be inserted in a new Commission to be issued in the Manner hereinbefore directed; and the said Special Commissioners shall have full Power and Authority to hear and determine every such Information, and to pronounce Judgment thereon, according to the Effect of the Judgment of the Common Law, upon Convictions had and obtained according to the Course of the Common Law, for Extortion, or other Misdemeanor; and also to declare the Party so convicted incapable of serving the said United Company in any Capacity whatsoever; and that such Judgment, to be pronounced by the said Special Commissioners as aforesaid, in and upon such Information, shall be good, and effectual, and conclusive, to all Intents and Purposes whatsoever; and that no Certiorari *shall be granted, by any Court whatsoever, for removing the Proceedings of the said Special Commissioners on such Information into any Court whatsoever; and the Proceedings of the said Special Commissioners shall not be impeached, or the Validity thereof questioned, in any Action or Suit, or other Proceedings, in any Court of Law or Equity whatsoever.*

Their Proceedings not to be removed by Certiorari.

Seven Commissioners to make a Quorum.

By 16 Geo. 3. c. 57. s. 8. ten Commissioners make a Quorum, and their Power to adjourn is restricted by s. 12.

LXXII. *Provided always, and be it further enacted, That it shall and may be lawful to and for the said Special Commissioners, or any seven or more of them, (of whom one of the said three Judges, at the least, shall always be one), to hear and determine every such Information, and from Time to Time to adjourn, as they shall think fit; and in Case any Number of the said Special Commissioners shall, before the said Commission shall have been fully executed, depart this Life, or be rendered incapable of acting, so that the Number of the said Special Commissioners shall be reduced to six; or if all the said three Judges*

Judges shall happen to die, or be rendered incapable of acting, whilst the said Commission shall be depending, then, and in either of such Cases, and from thenceforth, the said Commission, and the Force and Effect thereof, shall cease, and a new Commission shall be awarded for hearing the Matter of such Information for which such former Commission was issued, and the Proceedings therein shall begin de novo; *save only and except with Respect to the Examination or Deposition of any Witnesses (if any) which shall have been taken in Writing under the said former Commission; which Examinations or Depositions shall and may be received and admitted as Evidence under such new Commission.*

When the Commissioners shall, by Death, &c. be reduced to six, the Commission shall be void, and a new one awarded.

LXXIII. And be it further enacted, That the said Special Commissioners shall nominate and appoint a fit and proper Person or Persons to act as their Register or Registers in the Execution of the said Commission; and when and so soon as the said Commission shall have been fully executed, the said Commission, and the Information and Plea, and the Judgment had thereupon, and all the Depositions and Examinations, and other Proceedings concerning the Premises, shall be delivered over by such Register or Registers unto the Clerk of the Crown in the Court of King's Bench, to be kept and recorded in that Court.

Commissioners to appoint a Register.

See 26 Geo. 3. c. 57. s. 14.

LXXIV. And be it further enacted by the Authority aforesaid, That Subpœnas requiring the Attendance, before the Special Commissioners to be appointed under this Act, of any Witness or Witnesses as or on Behalf of any Person or Persons prosecuted under the Authority of this Act, may be issued out of the Crown Office of the Court of King's Bench; and in Case any Witness, having due Notice of such Subpœna, shall not attend in Obedience to such Subpœna, his Non-attendance shall be deemed a Misdemeanor, and subject him to be indicted; and in Case any such Witness shall attend, but shall refuse to be examined, it shall and may be lawful for the said Special Commissioners to punish such Witness by Fine or Imprisonment, at their Discretion.

Subpœnas may be issued for the Attendance of Witnesses.

Non-attendance to be deemed a Misdemeanor.

LXXV. And be it further enacted, That the said Special Commissioners have full Power and Authority, by Virtue of this Act, to send for Persons, Papers, and Records, and to examine all Witnesses, who shall come or be brought before them, upon Oath, to be taken before them, and to cause the Examinations of such Witnesses, if they shall so think fit, to be reduced into Writing, and to be signed and subscribed by such Witnesses respectively; and if any Person brought before the said Special Commissioners shall prevaricate in his Evidence, or shall otherwise misbehave himself before the said Special Commissioners, the said Special Commissioners shall and may, if they shall so think fit, commit such Person to the Prison of the *Fleet*, or the Gaol of *Newgate*, there to remain for such Time as the said Special Commissioners shall appoint, unless the said Commissioners shall order them to be released sooner, which they are hereby impowered to do; and if any such Witness shall wilfully give any false Evidence before the said Special Commissioners, such Witness shall be deemed guilty of wilful and corrupt Perjury, and shall and may be indicted and punished for the same accordingly.

Commissioners may send for Persons, Papers, and Records;

and may commit Prevaricators to the Fleet, &c.

LXXVI. And be it further enacted, That the Recognizance to be entered into as aforesaid, shall bind the Property of all and singular the Goods and Chattels, which were the Goods and Chattels of the principal Party entering into such Recognizance at the Time of his entering into the same, or which he shall or may acquire at any Time afterwards, and before he shall be discharged from such Recognizance; and shall also bind all Estate and Interest in all Lands, Tenements, and Hereditaments, whereof the said principal Party shall be seized or possessed, or whereof any Person or Persons, in Trust for the Party so entering into such Recognizance (at the Time of his entering into the same, or at any Time afterwards, and before he shall be discharged therefrom) shall be seized or possessed.

The Recognizance aforesaid shall bind all the Goods of the principal Party at the Time of entering into the same, &c.

LXXVII. And be it further enacted, That where the Party against whom such Information shall have been exhibited as aforesaid shall be adjudged to be guilty of the Crime charged in such Information, and shall be adjudged to pay a Fine unto his Majesty, his Heirs and Successors, that it shall and may be lawful for his Majesty's Attorney-General, or for the said United Company, or other Prosecutor, to exhibit Interrogatories before the Court of Exchequer, for the Examination of the Party adjudged to pay such Fine as aforesaid, as to his Estate and Effects sufficient to answer the same Fine; and if the said Party shall not appear, or shall refuse to answer to such Interrogatories, or shall wilfully conceal any Part of his Estate or Effects, hereinbefore declared to be bound by such Recognizance as aforesaid, or which shall by Law be liable to be extended in Satisfaction thereof, such Party, on his Default of Appearance before such Court, or on his Refusal to answer such Interrogatories, shall forfeit to the King's Majesty, his Heirs and Successors, all and singular his Goods and Chattels, Lands, Tenements, and Hereditaments whatsoever, and shall be liable to be imprisoned in the Gaol of *Newgate*, or the Tower of *London*, for such Time as the said Court of Exchequer shall direct.

Where the Party shall be found guilty, and adjudged to pay a Fine, he may be examined by Interrogatories in the Court of Exchequer as to his Estate and Effects:

If he shall not appear, or refuse to answer, &c. he shall forfeit all his Estate, and be committed.

LXXVIII. And

Depositions of Witnesses taken in India, and transmitted to the Court of King's Bench, may be read before the Special Commissioners, and shall be deemed competent Evidence.

LXXVIII. And whereas the Provisions made by former Laws, for the hearing and determining in *England* Offences committed in *India*, have been found ineffectual by Reason of the Difficulty of proving, in this Kingdom, Matters done there; be it further enacted by the Authority aforesaid, That in all Cases of Informations laid or exhibited by Virtue of this Act in the said Court of King's Bench, for Misdemeanors or Offences committed in *India*, it shall and may be lawful for his Majesty's said Court, upon Motion to be made on Behalf of his Majesty's Attorney-General, or other Prosecutor, or of the Defendant or Defendants, to award a Writ or Writs of *Mandamus*, requiring the Chief Justice and Judges of the Supreme Court at *Fort William* in *Calcutta* for the Time being, or the Judges of the Mayor's Court of any of the *British* Settlements in *India*, as the Case may require, who are hereby respectively authorized and required accordingly to hold a Court with all convenient speed for the Examination of Witnesses, and receiving other Proofs concerning the Matters charged in such Informations respectively; and in the mean Time to cause such public Notice to be given of the holding the said Court, and to issue such Summons or other Process as may be requisite for the Attendance of Witnesses, and of the Agents or Counsel of all or any of the Parties respectively, and to adjourn from Time to Time, as Occasion may require; and such Examination as aforesaid shall be then and there openly and publicly taken, *viva Voce*, in the said Court, upon the respective Oaths of Witnesses, and the Oaths of skilful Interpreters, administered according to the Forms of their several Religions, and shall, by some sworn Officer of such Court, be reduced into one or more Writing or Writings on Parchment, in Case any Duplicate or Duplicates should be required by or on Behalf of any of the Parties interested, and shall be sent to his Majesty, in his Court of King's Bench, closed up, and under the Seals of two or more of the Judges of the said Supreme Court; and one or more of the Judges of the said Supreme Court shall deliver the same to the Agent or Agents of the Party or Parties requiring the same; which said Agent or Agents (or, in Case of his or their Death, the Person into whose Hands the same shall come) shall deliver the same to one of the Clerks in Court of his Majesty's Court of King's Bench, in the public Office, and make Oath that he received the same from the Hands of one or more of the Judges of such Court in *India* (or in what Manner the same came into his Hands), and that the same has not been opened or altered since he so received it, (which said Oath such Clerk in Court is hereby authorized and required to administer); and such Depositions, being duly taken and returned, according to the true Intent and Meaning of this Act, shall be allowed and read before the said Special Commissioners, and shall be deemed as good and competent Evidence as if such Witness had been present, and sworn and examined *viva Voce*, at any Trial before the said special Commissioners, for such Crimes or Misdemeanors as aforesaid, any Law or Usage to the contrary notwithstanding; and all Parties concerned shall be entitled to take Copies of such Depositions at their own Costs and Charges; and the Chief Justice of the said Court of King's Bench, or one of the Judges of the said Court, shall, with all convenient Speed after such Deposition shall have been so received, together with the said Information and Plea, cause the same to be delivered over to the Lord High Chancellor, or Lord Keeper, or Lords Commissioners for the Custody of the Great Seal of *Great-Britain*, who shall thereupon issue the Commission under the Great Seal, in the Manner by this Act directed.

Extended to the Judges of the Mayors Courts by 26 Geo. 3. c. 57. s. 28.

Chief Justice of the King's Bench, &c. to deliver the Deposition, &c. to the Lord Chancellor.

Restriction as to the Delivery thereof.

LXXIX. Provided always, and it is hereby further enacted, That no Information, or Plea, or Deposition, which by this Act is directed to be delivered over by the Chief Justice of the Court of King's Bench, or one of the Judges of the said Court, to the Lord High Chancellor, or Lord Keeper, or Lords Commissioners for the Custody of the Great Seal of *Great-Britain*, shall be so delivered over, at any other Time than during some one of the three usual and accustomed Terms herein-after mentioned; that is to say, *Hilary* Term, *Easter* Term, or *Michaelmas* Term.

Writings received by the Court of Directors from India, and Copies of Writings sent by the Court to their Servants there, relative to the Charge in the Information, &c. may be admitted by the Commissioners as Evidence.

LXXX. And, in Order to promote the Ends of Justice in ascertaining Facts committed at so great a Distance from this Country, by such Evidence as the Nature of the Case will render practicable; be it further enacted, That in all Proceedings upon such Information as aforesaid, as well the Depositions taken under such Commission or Commissions, after the Publication thereof, as also all Writings which shall have been transmitted from the *East-Indies* to the Court of Directors of the said United Company, by their Officers or Servants resident in the *East-Indies*, in the usual Course of their Correspondence with the said Court of Directors, and Copies of all Writings which shall have been transmitted by the said Court of Directors, or by any Committee thereof, to the Officers and Servants of the said United Company resident in the *East-Indies*, and which in any Manner relate to the subject Matter of the Charge to be contained in such Information, or to the Defence to be made thereto, may be admitted by the said Commissioners to be offered in Evidence, and shall not be deemed inadmissible or incompetent, unless

less upon Objections arising from the Nature of the Contents of the said Writings; subject nevertheless to be impeached, in Point of Credibility, by such Observations and Objections as the Nature of such Evidence, or other Circumstances, may suggest; any Rule of the Common Law to the contrary notwithstanding.

Court of King's Bench at the Prayer of the Prosecutor, &c. may order an Examination of Witnesses upon Interrogatories, &c.

LXXXI. And be it further enacted, That the said Court of King's Bench shall have Power and Authority, at the Prayer of his Majesty's Attorney-General, or other Prosecutor, or of the Party against whom such Information shall be exhibited, to order an Examination *de bene esse*, of Witnesses, upon Interrogatories to be had and taken before an Examiner to be by them appointed for that Purpose, or by Commission, as the Case shall require, and to cause the Depositions of such Witnesses to be published, when the same shall appear to them to be proper and necessary; and which Depositions shall be afterwards admitted to be read in Evidence before the said Commissioners, and shall be deemed good and sufficient Evidence in the Law as aforesaid; saving all just Exceptions to be taken to such Depositions, when the same shall be offered to be read as aforesaid.

Limitation of Prosecutions.

LXXXII. And be it further enacted by the Authority aforesaid, That no Prosecution in Consequence of this Act shall be commenced, unless within the Space of three Years after the Return of the Party prosecuted into *Great-Britain*, *or within three Years after the Delivery of the Inventory or Particular required by this Act.*

Repealed by 26 G. 3. c. 37.

Not to affect the Claims respecting the territorial Acquisitions.

LXXXIII. Provided always, and be it enacted, That nothing herein contained shall extend, or be construed to extend, to prejudice or affect the Rights or Claims of the Public, or the said United Company, respecting the said territorial Acquisitions and Revenues.

Commencement of this Act.

LXXXIV. And be it further enacted, That this Act shall take Place and have Commencement, in *Great-Britain*, immediately after the same shall have received his Majesty's Royal Assent; and shall take Place and have Commencement, in the several Presidencies aforesaid, and in the Territories thereunto belonging, from the first Day of *January*, one thousand seven hundred and eighty-five.

Public Act.

LXXXV. And be it further enacted, That this Act shall, and shall be deemed and taken to be a Public Act.

24 GEORGII III. Cap. XXXIV.

An Act for the Relief of the East-India *Company with Respect to the Payment of certain Sums due to the Public, and to the Acceptance of certain Bills drawn upon the said Company, and for regulating the Dividends to be made by the said Company.*

Preamble.

WHEREAS the United Company of Merchants of *England* trading to the *East-Indies*, on and at sundry Times before the first Day of *December*, one thousand seven hundred and eighty-three, became and now stand indebted to his Majesty, for Duties of Customs on Goods imported, in sundry Sums of Money, amounting together to the Sum of nine hundred twenty-three thousand five hundred and nineteen Pounds, five Shillings, and two Pence, after making certain Deductions and Allowances to which, by Law, the said Company are intitled, on due Payment of the said Customs on or before the respective Days on which the same became due; and the said Company also stand indebted to his Majesty in the further Sum of one hundred thousand Pounds, which became due on the first Day of *December*, one thousand seven hundred and eighty-one, for the last Payment appointed to have been made in Respect of the Sum of four hundred thousand Pounds, mentioned in an Act made in the twenty-first Year of the Reign of his present Majesty, intituled, *An Act for establishing an Agreement with the United Company of Merchants of* England *trading to the* East-Indies, *for the Payment of the Sum of four hundred thousand Pounds, for the Use of the Public, in full Discharge and Satisfaction of all Claims and Demands of the Public from the Time the Bond Debt of the said Company was reduced to one million five hundred thousand Pounds, until the first Day of* March, *one thousand seven hundred and eighty-one, in Respect of the territorial Acquisitions and Revenues lately obtained in the* East-Indies; *and also for securing to the Public in Respect thereof, for a Term therein mentioned, a certain Part or Proportion of the clear Revenues and Profits of the said Company; and for granting to the said*

Debt for Customs 923,519l. 5s. 2d.

Debt of 100,000l. on Act of 21 Geo. 3. c. 65.

Company,

Company, for a further Term, the sole and exclusive Trade to and from the East-Indies, *and Limits therein mentioned; and for establishing certain Regulations for the better Management of the Affairs of the said Company, as well in* India *as in* Europe, *and the recruiting the Military Forces of the said Company:* And whereas by the said Act, made in the twenty-first Year of the Reign of his present Majesty, it was, amongst other Things, enacted, That, from and after the first Day of *March*, one thousand seven hundred and eighty-one, for and during so long Time as the said United Company, under the Authority of that Act, should be intitled to the whole, sole, and exclusive Trade and Traffic in, to, and from the *East-Indies*, and Places in the said Act mentioned, the whole clear Profits arising from the said territorial Acquisitions and Revenues, after defraying the Charges and Expenses attending the same, together with all the clear Revenues and Profits of the said Company, after providing for the current Payment of Interest, and other Outgoings, Charges, and Expenses of the said Company, should, from Time to Time, be disposed of and applied in Manner therein and herein-after mentioned; (that is to say;) It should be lawful for the said United Company to set apart and retain, in the first Place, in each and every Year, such Sum as should be equal to eight Pounds *per Centum per Annum*, upon the capital Stock of the said United Company of three millions two hundred thousand Pounds; and in Case there should remain a Surplus of the said clear Revenues and Profits above the said Sum of eight Pounds *per Centum per Annum*, so to be retained by the said United Company as aforesaid, three-fourth Parts of such surplus Profits should be set apart and applied for the Use of the Public, and the remaining one-fourth Part thereof should be reserved and retained by the said United Company for their own Use: And it was thereby further enacted, That it should be lawful for the said United Company to apply such Money as they were therein-before authorized to retain to themselves, and also other Money in the said Act mentioned, in the Payment of Dividends to the Proprietors of the Stock of the said United Company, not exceeding the Rate of twelve Pounds ten Shillings *per Centum per Annum*; provided the Bond Debt of the said Company did not at any such Time exceed one million five hundred thousand Pounds; and provided that they did not increase the present Dividend of eight Pounds *per Centum per Annum*, more than at the Rate of one Pound *per Centum* in each and every Year: And in Order to ascertain the yearly net Profits arising from the said United Company's Trade and Revenues, it was further enacted, That the said United Company should cause to be made out yearly, for each and every Year, during the Term therein mentioned, with as much Accuracy as the Nature of the Case would admit, a Statement of the Profits and Loss upon the Whole of the Trade and Revenues of the said United Company, together with a State of the Debts of the said United Company in *England*, from the first Day of *March* in every Year, to the first Day of *March* in each succeeding Year; which said Account was to be signed and delivered to the Commissioners of his Majesty's Treasury, or the High-Treasurer for the Time being, as therein is mentioned: And whereas, pursuant to the said Act, such Statement as therein is mentioned of the Profit and Loss upon the Whole of the Trade and Revenues of the said United Company hath been annually made up and delivered to the Commissioners of his Majesty's Treasury; and by the last of such Accounts, made up from the first Day of *March*, one thousand seven hundred and eighty-three, to the first Day of *March*, one thousand seven hundred and eighty-four, it appears, that after debiting and bringing forward the Deficiencies of former Years, and the said Dividend of eight Pounds *per Centum*, allowed to be retained by the Company, there was a Deficiency on the said Account, up to the first Day of *March*, one thousand seven hundred and eighty-four, of the Sum of one hundred forty-one thousand nine hundred and forty-one Pounds: And whereas, besides the said Debts due to his Majesty, as aforesaid, the said Company have been allowed to increase their Bond Debt to the Amount of five hundred thousand Pounds, over and above the Sum of one million five hundred thousand Pounds, mentioned in the said Act of the twenty-first Year of his present Majesty's Reign; and the said Company also stand indebted in the Sum of three hundred thousand Pounds, lent and advanced to them upon sundry Exchequer Bills, which will become due and payable on the sixth Day of *April*, one thousand seven hundred and eighty-six, the same having been made out and delivered to the said Company, pursuant to an Act, made in the twenty-third Year of the Reign of his present Majesty, intituled, *An Act for granting Relief to the United Company of Merchants of* England *trading to the* East-Indies, *by allowing further Time for the Payment of certain Sums due, and to become due to the Public, and by advancing to the said Company, on the Terms therein mentioned, a certain Sum of Money to be raised by Loans or Exchequer Bills; and to enable the said Company to make a Dividend of four Pounds* per Centum *to the Proprietors at* Christmas, *one thousand seven hundred and eighty-three; and to regulate the future Payment of Debentures of Drawbacks on* East India *Goods*; by which said Act it was enacted, That, until the Debts therein and herein-before mentioned to be due to his Majesty should be paid, the said Sum of three hundred thousand Pounds repaid, and the Bond Debt of the said Company be again reduced to one million five hundred

Recital of the said Act of 21 Geo. 3. c. 65.

Application of the Revenues and Profits of Trade.

State of Profit and Loss upon the Trade delivered to the Treasury.

Deficiency 141,941l. to answer a Dividend of 8l. per Cent.

Bond Debt increased to two Millions.

Debt on Exchequer Bills 300,000l.

Recital of 23 Geo. 3. c. 83.

hundred thousand Pounds, the Whole clear Profits arising from the said territorial Acquisitions and Revenues, after defraying the Charges and Expenses attending the same, together with all the clear Revenues and Profits of the said Company, after providing for the current Payment of Interest, and other Outgoings, Charges, and Expenses of the said Company, and for such Dividends to the Proprietors of the Stock of the said Company, as they should be intitled or allowed to make, receive, and take, should, from Time to Time, be disposed of and applied in Manner following; (that is to say); In the first Place, in Diminution and Payment of the said Debts due to his Majesty until the same should be fully paid; and afterwards, in Diminution and Payment of the said Sum of three hundred thousand Pounds and Interest, and for defraying the Charges incurred in Respect thereof; and then, in reducing the Bond Debt of the said Company until the same should be reduced to one million five hundred thousand Pounds: And whereas, over and besides the said Debts due to his Majesty, the said increased Bond Debt, and the said Exchequer Bills, sundry Bills of Exchange have been drawn upon the Court of Directors of the said United Company from their different Presidencies and Settlements in *India*, to the Amount of one million six hundred and ninety thousand Pounds, or thereabouts, over and besides Bills drawn from the Factory at *China*, and over and besides the Sum of three hundred thousand Pounds a Year in Bills of Exchange, allowed to be accepted and paid by the Court of Directors of the said Company of their own Authority, and other Bills of Exchange are expected to be drawn upon the said Court of Directors: And whereas it is expedient that a further reasonable Time should be allowed to the Company for the Payments of the Debts due as aforesaid, on Consideration of their Revenues and Profits, beyond a reasonable Dividend to the Proprietors, being appropriated to such Payments, as fast as the same shall come into Cash; May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for the Commissioners of his Majesty's Treasury for the Time being, or any three or more of them, to postpone and allow further Time for the Payment of the said Sum of nine hundred and twenty-three thousand five hundred and nineteen Pounds, five Shillings, and two Pence, which became due for Customs at such several Times as herein-before are mentioned; and of the said Sum of one hundred thousand Pounds, which became due on the first Day of *December*, one thousand seven hundred and eighty-one, or any Part or Parts of the said several Sums respectively, unto such Time or Times as they shall think fit, not beyond the first Day of *January*, one thousand seven hundred and eighty-six; and if the said United Company do and shall pay the said Sums respectively, at such Time or Times to which the said Payments, or any Part thereof, respectively shall be postponed as aforesaid, the same shall be accepted and received in like Manner as if the said Sums respectively had been paid on or before the several and respective Days on which the said Sums became due; and the said United Company, upon such Payment at such postponed Time or Times, shall be freed and discharged from all Damages, Interest, and Losses, which they became liable to by Means of not having made the said Payments respectively at the several Times on which the same became due; and shall be intitled unto, and have the same Discounts, Allowances, and Advantages, as if the said Sums respectively had been paid on or before the several and respective Days on which they became due; any Thing in any Act or Acts of Parliament in anywise notwithstanding.

Bills of Exchange.

See 13 *Geo.* 3. *c.* 64. *s.* 16, 19 *Geo.* 3. *c.* 61. *s.* 4. 20 *Geo.* 3. *c.* 56. *s.* 4. 21 *Geo.* 3. *c.* 65. *s.* 26.

Expediency that further Time for Payment of the Debts to the Public be allowed.

Commissioners of the Treasury may allow the Company further Time for Payment of the Sums due to the Public, but not beyond Jan. 1, 1786.

See 26 *Geo.* 3. *c.* 62.

II. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Court of Directors of the said United Company, by and with the Consent and Approbation of the Commissioners of his Majesty's Treasury for the Time being, or any three or more of them, to accept and pay the said Bills of Exchange drawn and to be drawn upon them as aforesid, at such Time or Times respectively, and upon such Terms and Conditions, and with such Interest, as the said Commissioners of his Majesty's Treasury for the Time being, or any three or more of them, shall think fit, and shall allow by Writing under their Hands.

Directors, with Consent of Commissioners of the Treasury, may accept certain Bills of Exchange, &c.

See the Restriction, 13 *Geo.* 3. *c.* 64. *s.* 16.

III. Provided nevertheless, and be it enacted, That the said Commissioners of the Treasury, in so adjusting and settling the Payments of the said Bills of Exchange, shall give a Priority in the respective Payments, according as the same would have accrued if the said Bills had been discharged in regular Course; due Regard therein being had to the several Dates of the said Bills, to the Times when the same were severally tendered for Acceptance, and to the respective Periods in which they were originally made payable.

Priority in Payment of such Bills, how to be adjusted.

IV. And, in Order to make proper Provision, and give Security to the Creditors of the said Company for the Payment of the said Debts, be it further enacted by the Authority aforesaid, That until the said Debts due to his Majesty, and the said Bills of Exchange, to be accepted with such

The clear Revenues and Profits of the Company to be applied in Manner following:

such Consent and Approbation as aforesaid, shall be paid, the said Sum of three hundred thousand Pounds, borrowed on the said Exchequer Bills, repaid, and the Bond Debt of the said Company be again reduced to one million five hundred thousand Pounds, the Whole clear Profits arising from the said territorial Acquisitions and Revenues, after defraying the Charges and Expenses attending the same, together with all the clear Revenues and Profits of the said Company, after providing for the said Bills of Exchange to be accepted with such Consent and Approbation as aforesaid, together with the current Payment of Interest, and other Outgoings, Charges, and Expenses of the said Company, shall, from Time to Time, be disposed of and applied in Manner following; (that is to say); It shall and may be lawful to and for the said United Company to set apart and retain, in the first Place, in each and every Year, such Sum as shall be equal to eight Pounds *per Centum per Annum* upon the capital Stock of the said United Company of three millions two hundred thousand Pounds; and the said Company shall and may, from Time to Time, make Dividends to the Proprietors of the Stock of the said Company, not exceeding the Rate of eight Pounds *per Centum per Annum* notwithstanding any Thing contained in the said recited Acts, or either of them; and in the next Place, the said clear Profits shall be applied in Payments of the said Debts due to his Majesty, and the said three hundred thousand Pounds, borrowed upon the said Exchequer Bills, and the Interest and Charges thereof; and from and after such Payments as aforesaid shall be made, then in Diminution and Payment of the Bond Debt of the said Company, until the same shall be reduced to the Sum of one million five hundred thousand Pounds; and from and after such Reduction of the said Bond Debt, such Division of the said Profits between the Public and the said United Company shall again take Place and be resumed, as is mentioned in the said Act of the twenty-first Year of the Reign of his present Majesty.

For making a Dividend of 8 per Cent. to the Proprietors;

in Payment of the Debts due to his Majesty, &c.;

and in reducing the Bond Debt, &c.

V. And be it further enacted by the Authority aforesaid, That the said Deficiency of one hundred forty-one thousand nine hundred and forty-one Pounds, appearing in the said annual Account made up to the first Day of *March*, one thousand seven hundred and eighty-four, shall be carried forward as a Charge in the Account of the present Year; and in Case any Deficiency shall appear in the Account of any subsequent Year, during the Continuance of the Participation between the Public and the Company, mentioned in the said Act of the twenty-first Year of the Reign of his present Majesty, such Deficiency shall, from Time to Time, be carried forward to, and charged in, the Account of the then next Year.

Deficiency in the annual Account, ending March 1, 1784, to be carried forward as a Charge in the Account of the present Year.

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24 GEORGII III. Cap. XXXVIII.

An Act for repealing the several Duties on Tea, and for granting to his Majesty other Duties in Lieu thereof; and also several Duties on inhabited Houses; and upon the Importation of Cocoa Nuts and Coffee; and for repealing the Inland Duties of Excise thereon.

Most Gracious Sovereign,

Preamble.

WHEREAS the several Rates and Duties upon Tea, exposed for sale in these Kingdoms, amount together to so considerable a Sum, in Proportion to the Value of that Commodity, as to afford great Encouragement to the fraudulent Importation thereof, and have contributed greatly to other illicit Practices highly detrimental to the Revenue, and of dangerous Consequences to the Public, the Prevention of which is become an Object of the utmost Importance; we, your Majesty's most dutiful and loyal Subjects, the Commons of *Great-Britain*, in Parliament assembled, do therefore think it would be for the Advantage of the Public to repeal the several Duties imposed upon Tea, and in Lieu thereof to grant unto your Majesty the several new Duties herein-after mentioned: And we do most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, from and after the fifteenth Day of *September*;

From Sept. 15, 1784, the Duties on Tea shall cease.

tember, one thousand seven hundred and eighty-four, the several Rates, Duties, and other Impositions upon Tea imported, sold, or used in this Kingdom, shall cease, determine, and be no longer paid or payable.

East-India Company discharged from Payment of Duties on Tea in their Warehouses, &c. at that Period.

II. And be it further enacted by the Authority aforesaid, That the United Company of Merchants of *England* trading to the *East-Indies* shall be, and they are hereby discharged, of and from the Payment of all Duties whatsoever, by any Act or Acts heretofore imposed upon all Tea, the Property of the said United Company, which shall, on the said fifteenth Day of *September*, one thousand seven hundred and eighty-four, remain in the Warehouses of the said Company in *Great-Britain*, under the Lock, or in the Custody of the Officers of his Majesty's Revenue, having charge thereof.

For all Tea delivered by the Company to the Purchasers thereof after that Period; there shall be paid a Duty of 12l. 10s. per Cent.;

III. And be it further enacted by the Authority aforesaid, That upon all Tea which, from and after the said fifteenth Day of *September*, one thousand seven hundred and eighty-four, shall be delivered to the Buyers thereof by the said United Company, there shall be paid to the King's Majesty, his Heirs and Successors, by the Purchaser or Purchasers of such Tea, a Duty of twelve Pounds ten Shillings *per Centum*, to be computed upon the gross Prices at which such Tea shall be sold; which Duty shall be paid, by the said Purchaser or Purchasers, to the said United Company, at such Time or Times as shall, by the Conditions of such Sales, be from Time to Time appointed for Payment of the Price of such Tea, to the said United Company; and that the said United Company shall at all Times, together with the proper Officers of the Customs, make up an Account of twelve Pounds ten Shillings *per Centum*, to be computed upon the gross Prices at which such Tea shall be sold, and pay the same to the Collector inwards of his Majesty's Customs, within thirty Days after the Expiration of each quarterly Sale, which Duty shall be again drawn back and repaid upon the Exportation of such Tea to any Place where a Drawback of the Duties is now allowed by Law.

which shall be drawn back upon Exportation, &c.

All Tea in such Warehouses, on Sept. 15, 1784, for which the Duty shall not have been paid, and entered for Exportation, &c. shall be delivered from the Warehouses free of Duty.

IV. And it is hereby further enacted by the Authority aforesaid, That all Tea upon which the Duty hereby imposed, shall not have been paid, and which, from and after the said fifteenth Day of *September*, one thousand seven hundred and eighty-four, shall be entered for Exportation to any Place where a Drawback of the Duties is allowed by Law, shall and may be delivered from such Warehouse wherein the same shall be secured as aforesaid for that Purpose, free of any Duty, subject to the same Rules, Regulations, Restrictions, Securities, Penalties, and Forfeitures, in all other Respects, to which such Tea would have been liable if the Duty thereon had been paid and drawn back as herein-before directed.

Directions for the Company relative to their Sales of Tea.

V. And whereas it is just and reasonable that the said United Company should, in Consideration of the great Benefit which may result to their Commerce from the Reduction of Duties hereby made, contribute their utmost Endeavours for securing to the Public the full Benefit which will arise from an immediate and permanent Reduction of Prices; be it further enacted by the Authority aforesaid, That the said United Company shall, as soon as may be after the passing of this Act, put up and expose to public Sale, at the least, five millions of Pounds Weight of Tea; and shall in like Manner, at some other Time before the thirty-first Day of *December*, one thousand seven hundred and eighty-four, make another Sale, at which they shall, in the like Manner, put up, at the least, two millions five hundred thousand Pounds Weight of Tea; and shall thenceforward continue to make, at the least, four Sales in every Year, and, as near as conveniently may be, at equal Distances of Time, and shall put up at such Sales such Quantities of Tea as shall be judged sufficient to supply the Demand; and that at each and every such Sale, the Tea so put up shall be sold without reserve to the highest Bidder, provided an Advance of one Penny per Pound shall be bid upon the Prices at which the same shall be put up; and that at the four first Sales, which shall be made after the passing of this Act, the Prices at which the said Tea shall be put up and exposed to Sale shall not exceed the following Rates; *videlicet*;

Restriction of the Prices put up at the first four Sales:

For Bohea Tea, one Shilling and seven Pence *per* Pound; — Bohea, 1s. 7d. per Pound;
For Congo Tea, two Shillings and five Pence *per* Pound; — Congo, 2s. 5d.
For Souchong Tea, Three Shillings and three Pence *per* Pound; — Souchong, 3s. 3d.
For Singlo Tea, three Shillings and three Pence *per* Pound; — Singlo, 3s. 3d.
For Hyson Tea, four Shillings and eleven Pence *per* Pound: — Hyson, 4s. 11d.

Restriction at all future Sales.

And that it shall not be, at any Time hereafter, lawful for the said United Company to put up their Tea for Sale at any Prices which shall, upon the Whole of the Tea so put up at any one Sale, exceed the prime Cost thereof, with the Freight and Charges of Importation, together with lawful Interest from the Time of the Arrival of such Tea in *Great-Britain*, and the Common Premium of Insurance, as a Compensation for the Sea-risk incurred thereon; and that the said United Company shall from Time to Time send Orders for the Purchase of such Quantities of Tea, and provide sufficient Ships to import the same, as, being added to the Stock in their Warehouses, and to the Quantities ordered and not arrived, shall amount to a sufficient Supply for the keeping a Stock at least equal to one Year's Consumption, according to the Sales of the last preceding Year, always before Hand; and that the said United Company shall, from Time to Time, lay before the Lord High Treasurer, or the Commissioners of the Treasury for the Time being, Copies of the Accounts and Estimates upon which such Orders for Importation, or Prices for Sales, or Quantities put up to Sale, shall be grounded, whenever such Orders shall be sent out, or such Sales made, or as often as they shall be called upon for the same, by the said Lord High Treasurer, or any three or more of the said Commissioners of the Treasury for the Time being.

Company to keep a proper Stock of Tea in their Warehouses, &c.

VI. And whereas for the Relief of all Persons now possessed of Tea bought of the said United Company, but remaining in their Warehouses as aforesaid, it hath been agreed by the said United Company, in Compliance with the unanimous Opinion of a general Meeting of the said Persons, to take back from them all such Tea at prime Cost, as shall, on the said fifteenth Day of September, one thousand seven hundred and eighty-four, remain in the Warehouses of the said Company in intire Lots, or in Lots not diminished after the Date of such Agreement; be it further enacted by the Authority aforesaid, That all Bargains made by the said United Company respecting such Tea as is herein-before described, as (having been sold at their Sales) shall, on the said fifteenth Day of *September*, one thousand seven hundred and eighty-four, remain in their Warehouses not delivered to the Buyers thereof, shall be, and they are hereby declared to be, null and void; and that the said Company shall forthwith grant to each of the said Buyers a Certificate of the Sum of Money which each of the said Buyers shall have paid to the said United Company in Respect thereof; which Certificates shall be received by the said Company as and in Lieu of Cash to the same Amount, in Payment for any Tea bought at their next ensuing Sale; or, if not so tendered in Payment, the said Company shall, upon Demand, at any Time after the prompt Day, or Day of Payment, to be appointed for Tea to be so bought at their next Sale, pay the same in Cash to the Holder thereof.

Clause relative to Tea sold by the Company, but which shall remain in their Warehouses, in intire Lots, &c. on Sept. 15, 1784.

Tea Dealers, not residing within the Bills of Mortality, or Borough of Southwark, who are possessed of any Chests of Tea in the Package wherein it was imported, &c.

VII. And be it further enacted, That it shall and may be lawful for all and every Tea Dealer, not residing within the Bills of Mortality, or the Borough of *Southwark*, who shall, at the Time of passing this Act, have in his, her, or their Possession, one or more entire Chest or Chests of Tea in the same Package in which it was originally imported into this Kingdom by the United Company of Merchants trading to the *East-Indies*, and for which the inland Duties shall have been paid by or in the Name of such Dealer, and which shall have been purchased at either of the two last Sales of the said Company, and which shall have been conveyed directly from the Warehouses of the said Company to the Warehouse or Shop of such Tea Dealer, to return such Chest or Chests of Tea, by the most proper and speedy Conveyance, to the Warehouse-Keeper of the said Company, a List of which Chests, containing an Account of the Number of each Chest, the Weight of Tea contained in it, and the Price which it Cost at the Company's Sale, together with the Name of the Ship in which it was imported, and the Folio in which it was printed in the Company's Sale Book, shall be delivered to the Warehouse-keeper of the said Company within eight Days after the passing of this Act, and the said Chest or Chests of Tea shall be taken into the Warehouses of the said Company; and if it shall appear, to the Satisfaction of the said Company, that the Tea which is contained in any Chest so returned has not been unpacked since it was delivered from the Warehouses of the said Company, but is the same which was originally contained therein, then the prime Cost of such Chest or Chests of Tea, which shall have been paid by such Dealer or Dealers, shall be allowed to such Dealer or Dealers, in Part of Payment for such Tea purchased at the next Sale of the *East-India* Company; but if the said *East-India* Company shall be of Opinion that the Tea contained in such Chest or Chests so returned is not the same as was originally contained therein, or that any unfair Practice shall have been made use of, it shall be lawful for the said Company to refuse such Chest or Chests of Tea; and that for every Chest of Tea accepted, as herein-before provided, by the said *East-India* Company, the Commissioners of Excise shall deliver a Certificate of the Sum of Money which has been paid for the inland Duties on the Tea contained in such Chest, to the Dealer returning the same; and such Certificate shall be taken by the Commissioners of his Majesty's Customs in Payment of the Customs which shall be due on the Teas to be purchased at the next Sale of the *East-India* Company; provided that

may return the same to the Company's Warehouse-keeper:

And if the Company are satisfied such Tea has not been unpacked, &c. they are to allow the Dealer the prime Cost paid for the same, &c.

that every Dealer shall, within five Days after the passing of this Act, deliver to the Excise Officer who usually surveys the Stock of such Dealer, a List of the Teas proposed to be returned to the Warehouses of the *East-India* Company, in all Respects similar to that herein-before directed to be delivered to the Warehouse-keeper of the said Company.

Company not obliged to receive any such Chest, unless the Particulars herein-mentioned are complied with.

VIII. Provided always, That no Dealer shall be permitted to return to the *East-India* Company any whole Package either of Green or Black Tea, unless it shall appear that such Dealer had in his Stock, at the last Survey made thereof, previous to the first Day of *August*, one thousand seven hundred and eighty-four, as much of either or both of those Sorts, over and above the Chests so intended to be returned, as would, according to his usual Consumption, to be computed upon the Average of the last four Months previous to the said first Day of *August*, be sufficient to supply the same from that Time till the fifteenth Day of *September* next; and an Account of the usual Consumption of such Dealer, and of the Amount of his Stock of Green and Black Teas respectively, at the Time any whole Packages are returned, shall be transmitted, by the Officer of Excise who usually surveys such Dealer, to the Commissioners of Excise, and also to the Warehouse-keeper of the *East-India* Company; and such Officer of Excise shall also transmit to the Directors of the *East-India* Company an Account of all Teas which have, since the twenty-fifth Day of *July* last, been taken into the Stock of any Dealer who shall send any Chest of Tea to be returned as aforesaid, to the End, that if it should appear to the said Directors that there is just Cause to suspect that any of the Tea so taken into the Stock of such Dealer has not paid the full Duties to which the same by Law was liable, the said Directors may, in such Case, refuse to receive any Teas whatever from such Dealer.

Owners of certain Prize Teas to be repaid the Duties paid for such Part as shall remain in the Warehouses on Sept. 15, 1784.

But for which they shall pay the Duty of 18 l. 10 s. per Cent.

IX. And whereas there are certain Quantities of Prize Teas now remaining under the Locks of his Majesty's Officers of the Customs and Excise, for which the Duties of Customs have been paid, and certain other Quantities of Prize Teas damaged by salt Water are now remaining in two private Warehouses under the Survey of his Majesty's Officers of Excise, where they were removed for the Convenience of drying the same, for which the Duties of Customs and Excise have been paid; be it further enacted and declared, That it shall and may be lawful for the Commissioners of his Majesty's Treasury, or any three or more of them, to direct, by Warrants under their Hands, the Commissioners of his Majesty's Customs or Excise respectively to repay to the Owners or Proprietors of such Teas the Amount of the Duties which have been received for such Part of the said Teas as shall be remaining in the Custody and under the Survey above-mentioned, on the fifteenth Day of *September*, one thousand seven hundred and eighty-four; provided it shall be made appear, to the Satisfaction of the said Commissioners of the Treasury, that the Duties on the said Teas, so remaining on the Day above-mentioned, have been actually received by the Officers of the Customs and Excise: Provided always, That the Owners or Proprietors of the said Teas shall pay the Duty of eighteen Pounds and ten Shillings *per Centum*, according to the Prices at which the same were bought, for such Parts or Parcels thereof as shall be remaining under the Locks of his Majesty's Officers of Customs or Excise, or under Survey in the two Warehouses as above-mentioned.

X. And be it further enacted by the Authority aforesaid, That, from and after the tenth Day of *October*, one thousand seven hundred and eighty-four, there shall be charged, raised, levied, and paid, unto his Majesty, his Heirs and Successors, the several and respective additional Rates and Duties upon all inhabited Houses, as herein-after mentioned, according to the Number of Windows or Lights in each; (that is to say);

[*Here follow the several Duties on Windows (called "the Commutation Duties for Tea"); with Clauses for Regulating the Mode of Assessment, and for the Appropriation of those Duties, as well in* England *as in* Scotland; *and also Clauses for Imposing new Duties on Cocoa-nuts and Coffee.*]

25 GEORGII III. Cap. XLIV

An Act for regulating Insurances on Ships, and on Goods, Merchandizes, or Effects.

Preamble.

WHEREAS it hath been found by Experience, that the making or effecting Insurances on Ships or Vessels, and on Goods, Merchandizes, and Effects, in Blank, and without specifying therein the Name or Names of any Person or Persons for whose Use and Benefit, or on whose Account, such Insurances are made or effected, hath been, in many Respects, mischievous, and productive of great Inconveniencies; for Remedy whereof, be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, from

From July 5, 1785, no Policy of Insurance on Ships or Goods to be made, without inserting therein the Names of the Persons interested, or of their Agents.

and after the fifth Day of *July*, one thousand seven hundred and eighty-five, it shall not be lawful for any Person or Persons, who shall live or reside in *Great-Britain*, to make or cause to be made any Policy or Policies of Assurance upon his, her, or their Interest in any Ship or Ships, Vessel or Vessels, or on any Goods, Merchandizes, Effects, or other Property, without inserting, in such Policy or Policies, his, her, or their own Name or Names, as the Person or Persons interested therein, or the Name or Names of the Person or Persons who shall effect the same, as the Agent or Agents of the Person or Persons so really interested therein, or for whose Use or Benefit, or on whose Account, such Policy or Policies is or are so made or underwrote; and that it shall not be lawful, from and after the said fifth Day of *July*, one thousand seven hundred and eighty-five, for any Person or Persons who shall not live or reside in *Great-Britain*, to make or cause to be made any Policy or Policies of Assurance upon his, her, or their Interest in any Ship or Ships, Vessel or Vessels, or on any Goods, Merchandizes, Effects, or other Property, without inserting in such Policy or Policies the Name or Names of the Agent or Agents of the Person or Persons so really interested therein, or for whose Use or Benefit, or on whose Account, the same is or are so made or underwrote; and that every Policy or Policies of Assurance, made or underwrote contrary to the true Intent and Meaning hereof, shall be null and void to all Intents and Purposes whatsoever.

Policies made contrary hereto, shall be void.

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25 GEORGII III. Cap. LXXIV.

An Act for repealing the Duty imposed on Tea by an Act passed in the last Session of Parliament, and for granting other Duties in Lieu thereof; for repealing so much of several Acts as relates to the Removal of Tea; for directing the Officers of Excise to examine and certify the Exportation of exciseable Commodities; and for better securing the Duties on Candles.

[So much thereof as relates to the *East-India* Company.]

Preamble.
24 Geo. 3. c. 38.

WHEREAS by an Act, passed in the last Session of Parliament, intituled, *An Act for repealing the several Duties on Tea, and for granting to his Majesty other Duties in Lieu thereof; and also several Duties on inhabited Houses; and upon the Importation of Cocoa-nuts and Coffee; and for repealing the Inland Duties of Excise thereon*, it was enacted, That, from and after the fifteenth Day of *September*, one thousand seven hundred and eighty-four, the several Rates, Duties, and other Impositions upon Tea, imported, sold, or used in this Kingdom, should cease, determine, and be no longer paid or payable; and that upon all Tea, which, from and after the said fifteenth Day of *September*, one thousand seven hundred and eighty-four, should be delivered to the Buyers thereof by the United Company of Merchants of *England* trading to the *East-Indies*, there should be paid to the King's Majesty, his Heirs and Successors, by the Purchaser or Purchasers of such Tea, a Duty of twelve Pounds ten Shillings *per Centum*, to be computed upon the gross Prices at which such Tea should be sold; which Duty should be paid as in and by that Act is in that Behalf directed and appointed: And whereas it is expedient that the said Duty, by the said Act granted upon Tea, should be repealed; and in Lieu of the said Duty, by the said Act granted upon Tea, to grant unto his Majesty the two new Duties of five Pounds *per Centum*, and

and seven Pounds and ten Shillings *per Centum*, herein-after mentioned; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, from and after the first Day of *August*, one thousand seven hundred and eighty-five, the said Duty, by the said Act granted upon Tea, shall cease, determine, and be no longer paid or payable; save and except in all Cases relating to the recovering any Arrears of the said Duty, which may at that Time remain unpaid, or to any Penalty or Forfeiture, Penalties or Forfeitures, relating thereto respectively, which shall have been incurred upon, or at any Time before the said first Day of *August*, one thousand seven hundred and eighty-five.

From Aug. 1, 1785, the Duty on Tea granted by the recited Act repealed.

II. And be it further enacted by the Authority aforesaid, That upon all Tea which, from and after the said first Day of *August*, one thousand seven hundred and eighty-five, shall be sold by the said United Company, there shall be paid to the King's Majesty, his Heirs and Successors, one Duty of five Pounds *per Centum*, to be computed upon the gross Prices at which such Tea shall be sold; and also one other Duty of seven Pounds and ten Shillings *per Centum*, to be also computed upon the gross Prices at which such Tea shall be sold; which said Duties of five Pounds *per Centum*, and seven Pounds and ten Shillings *per Centum*, shall be paid, by the Purchaser or Purchasers of such Tea, to the said United Company, at such Time or Times as shall, by the Conditions of such Sales, be from Time to Time appointed for the Payment of the Price of such Tea to the said United Company; and the said United Company shall at all Times, together with the proper Officers of the Customs, make up an Account of five Pounds *per Centum*, to be computed upon the gross Prices at which such Tea shall be sold, and pay the same to the Collector inwards of his Majesty's Customs, within forty Days after the Expiration of each quarterly Sale; which said Duty of five Pounds *per Centum* shall be under the Management of the Commissioners of the Customs for the Time being, and shall be again drawn back and repaid upon the Exportation of such Tea to any Place where a Drawback of the Duty on Tea is now allowed by Law; and the said United Company shall also, at all Times, together with the proper Officer of Excise, make up an Account of seven Pounds and ten Shillings *per Centum*, to be computed upon the gross Prices at which such Tea shall be sold, and pay the same to the Commissioners of Excise for the Time being, within forty Days after the Expiration of each quarterly Sale; which last mentioned Duty shall be, and shall be deemed and taken to be an Inland Duty, and shall be under the Management of the Commissioners of Excise for the Time being, and shall be again drawn back and repaid upon the Exportation of such Tea to any Place where a Drawback of the Duty on Tea is now allowed by Law; and such Tea shall and may, from Time to Time, be exported to any Place or Places, where the Exportation of Tea is now allowed by Law, upon the same Terms and Conditions, and under and subject to the same Rules, Restrictions, Regulations, and Provisions, (not otherwise directed by this Act), which in and by an Act made in the twenty-first Year of the Reign of his late Majesty King *George* the Second, intituled, *An Act for permitting Tea to be exported to* Ireland, *and his Majesty's Plantations in* America, *without paying the Inland Duties charged thereupon by an Act of the eighteenth Year of his present Majesty's Reign; and for enlarging the Time for some of the Payments to be made on the Subscription of six millions three hundred thousand Pounds, by Virtue of an Act of this Session of Parliament*, or in or by any other Act or Acts of Parliament relating to the Exportation of Tea, in Force at the Time of the passing of the said Act, made in the last Session of Parliament, are contained, provided, settled, or established, relating to the Exportation of Tea; and such Rules, Restrictions, Regulations, and Provisions, shall be in full Force, and be duly observed, practised, applied, used, and put in Execution, throughout the whole Kingdom of *Great-Britain*, upon such Exportation of any such Tea, any Thing herein, or in any other Act or Acts of Parliament, contained to the contrary in anywise notwithstanding.

New Duties in Lieu thereof.

Duty of 5 per Cent. to be under the Management of Commissioners of Customs, &c.

Duty of 7l. 10s. per Cent. to be under the Management of the Commissioners of Excise, &c.

21 Geo. 2. c. 14.

Provisions in said Act, &c. relative to Exportation of Tea, to be applied in executing this Act.

III. And be it further enacted by the Authority aforesaid, That in Case the Monies by the said Act of the last Session of Parliament, directed to be paid to the Receiver-General of the Customs, (other than the Duty on Tea hereby repealed), shall, together with the Monies arising by the said Duty of five Pounds *per Centum*, by this Act granted, at any Time in any one Quarter (the necessary Costs, Charges, and Expenses of raising, receiving, collecting, levying, accounting for, and paying the same being first deducted), exceed the Sum of eighty-seven thousand one hundred and thirty-six Pounds, sixteen Shillings, and eight Pence Farthing, the said Receiver General shall pay over such Excess or Surplus into the Hands of the said Commissioners of Excise for the Time being.

Receiver-General of the Customs, in Case of a Surplus of Duties, to pay the same to the Commissioners of Excise.

IV. And be it further enacted by the Authority aforesaid, That all the Monies that shall arise by the said Duty of five Pounds *per Centum*, granted by this Act, (other than and except such Excess or Surplus as aforesaid), and all the Arrears of the said Duty hereby repealed, shall be

The 5 per Cent. Duty (except the Surplus) to be paid into the Exchequer;

applied and paid by the said Collector inwards, into the Receipt of the Exchequer, upon the several distinct Heads of *Subsidy* or *Customs*, as the Duty hereby repealed has been paid in there, pursuant to the said Act of the last Session of Parliament; and the said Duty of seven Pounds and ten Shillings *per Centum*, hereby granted, together with such Excess or Surplus as aforesaid, shall (all Costs, Charges, and Expenses of raising, receiving, collecting, levying, accounting for, and paying the same, being first deducted) be, by the said Commissioners of Excise for the Time being, distributed in due Proportion to the respective Heads of Excise to which the Inland Duties on Teas, repealed by the said Act of the last Session of Parliament, were applicable, and shall be by them paid into the Receipt of the Exchequer, at the Rate of one hundred and thirty-eight thousand nine hundred and seventy-nine Pounds, five Shillings, and ten Pence Halfpenny *per* Quarter; and such Monies, so paid into the Receipt of the Exchequer, by the said Collector inwards, and Commissioners of Excise, respectively, shall be applied to the same Uses and Purposes as the said Duty on Tea, repealed by the said Act of the last Session of Parliament, were applicable unto; and in Case, in any one Quarter, the Monies arising by the Duties granted by the said Act of the last Session of Parliament, (other than the Duty on Tea hereby repealed), together with the said Duty of five Pounds *per Centum* by this Act granted, over and above all Costs, Charges, and Expenses of raising, receiving, collecting, levying, accounting for, and paying the same, shall be less than the Sum of eighty-seven thousand one hundred and thirty-six Pounds, sixteen Shillings, and eight Pence Farthing, the said Receiver General shall return a Certificate thereof into the Office of the Auditor of the Receipt of the Exchequer aforesaid; and in Case, in any one Quarter, the Monies arising by the Duty of seven Pounds and ten Shillings *per Centum* by this Act granted, together with such Excess or Surplus as aforesaid, over and above all Costs, Charges, and Expenses of raising, receiving, collecting, levying, accounting for, and paying the same, shall be less than the Sum of one hundred and thirty-eight thousand nine hundred and seventy-nine Pounds, five Shillings, and ten Pence Halfpenny, the said Commissioners of Excise shall return a Certificate thereof into the said Office of the Auditor of the Receipt of the Exchequer aforesaid; and such Deficiencies respectively shall, from Time to Time, be made good by or out of such Money as shall be or remain in the Receipt of the Exchequer of or for the Surplusses, Excesses, or Overplus Money, or other Revenues composing the Fund commonly called *The Sinking Fund*, at the Quarter Day next after the said Certificate respectively shall have been returned into the Office of the Auditor of the said Receipt; and whatever Monies shall be issued out of the said Fund to make good such Deficiencies respectively, shall be replaced by or out of the first Supplies to be thereafter granted by Parliament.

and also the 7l. 10s. per Cent. Duty.

Application of the Duties.

In Case of a Deficiency of Duties, the same to be made good out of the Sinking Fund.

V. Provided always, and be it enacted, That the Receipts of the Commissioners of Excise, or the major Part of them, shall be a sufficient Discharge to the Receiver-General of the Customs for such Monies as he shall pay to them in Pursuance of this Act, and such Receipts shall severally be allowed by the proper Officer or Officers in passing the Accounts of such Receiver-General.

Receipts of Commissioners of Excise a sufficient Discharge to Receiver-General of Customs.

VI. And be it further enacted by the Authority aforesaid, That if the Monies hereby directed to be paid to the Commissioners of Excise shall, in any one Quarter, produce, over and above all Costs, Charges, and Expenses of raising, receiving, collecting, levying, accounting for, and paying the same, more than sufficient to satisfy the said Sum of one hundred and thirty-eight thousand nine hundred and seventy-nine Pounds, five Shillings, and ten Pence Halfpenny, the Surplus which remains, after satisfying that Sum, shall be paid by the said Commissioners of Excise into the said Receipt of the Exchequer, and be applied towards making good the like Sums charged upon the said Subsidy and Duty on Houses, Windows and Lights, in the next succeeding Quarter.

Surplus of Duties, how to be applied.

VIII. And whereas, by a Clause in a certain Act, made in the twenty-first Year of his present Majesty's Reign, intituled, *An Act for repealing the Duties payable upon Chocolate made in* Great Britain, *and for granting certain Inland Duties upon Cocoa-nuts in Lieu thereof; for the better and more effectual securing the Revenue of Excise, and of the Inland Duties under the Management of the Commissioners of Excise, and for preventing Frauds therein; for the more punctual and ready Payment of the Allowances to be made to Brewers out of the additional Duties imposed on Malt; and for rectifying a Mistake in an Act made in this present Session of Parliament, with Respect to the Duties of Excise imposed by the said Act*; it was enacted, That no Tea, exceeding the Quantity of forty Pounds Weight, not being in the original Chest in which the same Tea was imported into this Kingdom by the United Company of Merchants of *England* trading to the *East-Indies*, and then continuing in the same State in which it was so imported, at any one Time, directed to one and the same Person, or Persons where there are two or more in joint Trade or Partnership, should be

Recital of a Clause in 21 Geo. 3. c. 55.

be removed or carried from any City, Town, Parish, or Place, in this Kingdom, not being within the Limits of the weekly Bills of Mortality, or of the chief Office of Excise in *London*, to any other Place out of the Limits aforesaid, not within the said City, Town, Parish, or Place, from which the same should be so removed or carried, under and subject to the Forfeitures in the said Act mentioned; and by another Clause in a certain other Act, made in the twenty-second Year of his Majesty's Reign, intituled, *An Act for repealing the Duties payable for Beer and Ale above six Shillings the Barrel, exclusive of the Duties of Excise; and not exceeding eleven Shillings the Barrel, exclusive of such Duties, and for granting other Duties in Lieu thereof; for granting additional Duties on Coaches, and other Carriages therein mentioned; and also additional Duties on Soap made in* Great Britain, *and upon the Produce of the said additional Duties on Coaches and on other Carriages; and for the better securing the Duty upon Tea, and other Duties of Excise; and also for appointing the Number of Commissioners of Excise who may hear Causes depending before them relative to the Duties on Male Servants*; the removing or carrying Tea, exceeding the Quantity of twenty Pounds Weight, in Manner in the same Act mentioned, was prohibited, under the Forfeitures in the same Act mentioned; and the last mentioned Clause is amended and enforced by another Clause in a certain other Act of Parliament, made in the twenty-third Year of his Majesty's Reign, intituled, *An Act for the more effectual preventing the illegal Importation of foreign Spirits, and for putting a Stop to the private Distillation of* British *made spirituous Liquors; for explaining such Part of the Act imposing a Duty upon Male Servants, as relates to the Right of Appeal from the Justices of the Peace; to amend and rectify a Mistake in an Act of the last Session of Parliament, with Respect to the Removal of Tea from one Part of this Kingdom to other Parts thereof; and for preventing vexatious Actions against Officers of Excise acting in Pursuance of the Authority given by Excise Statutes*; whereby it is enacted, That if any Tea, exceeding the Quantity of twenty Pounds weight at any one Time, directed to one and the same Person, or Persons (where there are two or more in joint Trade or Partnership), and not being in the original Chest, in which the same was imported into this Kingdom by the United Company of Merchants of *England* trading to the *East-Indies*, and then continuing in the same State in which it was imported, should be found removed or carried, or removing or carrying, whether with or without Permit, from any City, Town, Parish, or Place, in this Kingdom, not being within the Limits of the weekly Bills of Mortality, or of the chief Office of Excise in *London*, to any other Place out of the Limits aforesaid, not within the said City, Town, Parish, or Place, from which the same should be so removed or carried, all such Tea, together with the Canisters, Bags, and other Package, containing the same, and the Vessels and Boats, and the Horses, and other Cattle and Carriages employed in removing and carrying the same, should be forfeited, and should and might be seized by any Officer or Officers of Excise: And whereas the restraining the removing Tea from one City, Town, Parish, or Place to another, without the Limits of the chief Office of Excise in *London*, to so small a Quantity at one Time as twenty Pounds Weight, has been found inconvenient; be it therefore enacted, That, from and after the first Day of *August*, one thousand seven hundred and eighty-five, the said several Clauses shall be, and the same are hereby repealed.

22 Geo. 3. c. 68.

23 Geo. 3. c. 70.

From Aug. 1, 1785, the recited Clauses repealed.

IX. And be it further declared and enacted, That all the Powers, Authorities, Methods, Rules, Directions, Regulations, Penalties, Forfeitures, Provisions, Clauses, Matters, and Things, which, in and by an Act made in the tenth Year of the Reign of his late Majesty King *George* the First, intituled, *An Act for repealing certain Duties therein mentioned, payable upon Coffee, Tea, Cocoa-nuts, Chocolate, and Cocoa-paste imported; and for granting certain Inland Duties in Lieu thereof; and for prohibiting the Importation of Chocolate ready made, and Cocoa-paste; and for better ascertaining the Duties payable upon Coffee, Tea, and Cocoa-nuts imported; and for granting Relief to* Robert Dalzell, *late Earl of* Carnwath; or in any other Act or Acts of Parliament, relating to the Duties upon Tea, in Force at the Time of passing of the said Act made in the last Session of Parliament, are contained, provided, settled, or established, for managing, assessing, raising, levying, collecting, recovering, adjudging, mitigating, ascertaining, enforcing, or securing the Duty thereby granted, and for preventing, detecting, and punishing Frauds relating thereto, shall be deemed and taken to have been in full Force, to all Intents and Purposes, from the Time of the passing of the said Act of the last Session of Parliament, for the managing, assessing, raising, levying, collecting, recovering, adjudging, mitigating, ascertaining, enforcing, or securing the said Duty hereby repealed, and for preventing, detecting, and punishing Frauds relating thereto; and the same Powers, Authorities, Methods, Rules, Directions, Regulations, Penalties, Forfeitures, Provisions, Clauses, Matters, and Things, shall be and continue in full Force, and be duly observed, practised, applied, used, and put in Execution, throughout the whole Kingdom of *Great-Britain*, in and for the managing, assessing, raising, levying, collecting, recovering, adjudging, mitigating, ascertaining, enforcing, and securing the said several Duties

All the Powers and Provisions in 10 Geo. 1. c. 10. and other Acts in Force at the passing the Tea Act of last Session, for raising, recovering, &c. the Duty thereby granted, to be deemed to have been in Force for securing the Duty granted by the said Tea Act, and shall be applied in executing this Act.

Duties by this Act granted, and for preventing, detecting, and punishing Frauds relating thereto, as fully and effectually, to all Intents and Purposes (so far as the same are not altered by this Act), as if the said Powers, Authorities, Methods, Rules, Directions, Regulations, Penalties, Forfeitures, Provisions, Clauses, Matters, and Things, had been expressly inserted and re-enacted in the said Act, passed in the last Session of Parliament, or in this Act.

Not to subject to Forfeitures before the passing hereof.

X. Provided always, That nothing in this Act contained shall extend to subject any Person or Persons to any Penalty or Forfeiture for any Act done or committed by him or them before the passing of this Act, to which such Person or Persons would not have been liable if this Act had not been made, any Thing herein-before contained to the contrary in anywise notwithstanding.

Recital of 10 Annæ, c. 19;

and 12 Annæ, c. 9.

XVI. And whereas by another Act of Parliament, made in the tenth Year of the Reign of Queen *Anne*, *for laying several Duties upon all Sope and Paper made in* Great-Britain, *or imported into the same; and upon chequered and striped Linens imported; and upon certain Silks, Callicoes, Linens, and Stuffs, printed, painted, or stained*; and also by another Act, made in the twelfth Year of the Reign of Queen *Anne*, *for laying additional Duties on Sope and Paper, and upon certain Linens, Silks, Callicoes, and Stuffs*, the Duties of Excise, or Inland Duties, payable on Silks, Callicoes, Linens, or Stuffs, printed, painted, stained, or dyed in *Great-Britain*, are allowed to be drawn back on the Exportation of such Goods to foreign Parts by Way of Merchandize, and several Regulations are provided by the said Acts for preventing Frauds in the Exportation or relanding of such Goods; and certain Powers and Authorities are thereby given to the Customers or Collectors, or other Officers of his Majesty's Customs, at the respective Ports or Places of Exportation of the said Goods, to administer certain Oaths, and to take Securities for the due Exportation of the said Goods, and to grant to the Exporter Certificates or Debentures for the Allowance of the Duties on Goods so exported: And whereas the requiring those Regulations, Powers, and Authorities, to be observed and executed by the Customers, Collectors, or other Officers of his Majesty's Customs, has been found inconvenient;

From Aug. 10, 1785, certain Parts of the recited Acts repealed.

be it therefore enacted, That, from and after the tenth Day of *August*, one thousand seven hundred and eighty-five, those Parts of the aforesaid two Acts of Queen *Anne*, which require the said Regulations, Powers, and Authorities, to be observed and executed by the Customers, Collectors, or other Officers of his Majesty's Customs, shall be repealed, and shall be no longer observed or practised; and that, instead thereof, it shall be lawful for such Officer or Officers of Excise as the Commissioners of Excise shall appoint for that Purpose, and they are hereby required to execute all and every the said Regulations, Powers, and Authorities, as fully and effectually as the Customers, Collectors, or other Officers of the Customs, might have done before the passing of this Act.

From Aug. 10, 1785, any such Silks, &c. for which the Duties have been paid, may be exported.

XVII. And be it further enacted by the Authority aforesaid, That from and after the said tenth Day of *August*, one thousand seven hundred and eighty-five, it shall be lawful for any Person or Persons who shall have paid all his Majesty's Duties for any such Silks, Callicoes, Linens, or Stuffs, printed, painted, stained, or dyed in *Great-Britain*, or for any Person or Persons who shall buy, or be lawfully intitled to any such Goods from the Person or Persons who actually paid his Majesty's said Duties, at any lawful Quays, and in the lawful Hours, to export any such Goods, for which all the Duties shall have been paid, to any foreign Parts by way of Merchandize, upon the Terms, and according to the Directions, herein-after mentioned; that is to say, the Person or Persons intending to export any such Goods shall give twelve Hours Notice within the Limits of the chief Office of Excise in *London*, and twenty-four Hours Notice in other Places in *Great-Britain*, of his Intention to pack up such Goods in order to be exported, and of the Time and Place when and where the same are intended to be packed up, to the Officer or Officers of Excise who shall be appointed for that Purpose by the respective Commissioners of Excise in *England* or *Scotland*; and such Officer or Officers shall attend to see such Goods packed up, and shall take care to measure the said Goods, and to see that the Seals or Stamps, denoting the Payment of the Duties thereupon, are taken off from every Piece of such Goods before the same are packed up; and every such Piece shall be packed up in the Presence of such Officer or Officers, and shall be secured with such Fastenings, and sealed with such Seal or Mark, and in such Manner, as the said respective Commissioners shall direct; and if any Person shall open such Package, or wilfully destroy or deface such Seal or Mark, (save and except the Officer of Excise at the Port of Exportation, as herein-after mentioned), every Person so offending shall forfeit and lose the Sum of twenty Pounds for every such Offence; and the Officer or Officers who saw the said Commodities packed up shall take an Account of the Kinds and Quantities of such Goods so intended to be exported, and make a Return thereof to the

Notice to be given before packing the same.

Penalty on opening Packages, &c.

the Officer, who shall be appointed by such Commissioners to receive the same, at the Port of Exportation, without any Fee or Reward for so doing.

On Failure of beginning to pack agreeable to former Notice, a fresh Notice to be given.

XVIII. Provided always, That if the Person or Persons so intending to export such Goods, shall not begin and proceed to pack up the same at the Time mentioned in such Notice, or within one Hour after such Time, then such Notice shall be void; and such Person or Persons, so intending to pack up such Goods, shall be obliged to give a fresh Notice to such Officer or Officers, of the Time and Place when and where such Goods are intended to be packed up in order to be exported.

25 Geo. 3. c. 72.

XIX. And whereas, by an Act passed in the present Session of Parliament, intituled, *An Act for repealing the Duties on Linens to be printed, painted, stained, or dyed in* Great-Britain, *imposed by an Act made in the last Session of Parliament, and for granting other Duties in Lieu thereof; and on Cotton Stuffs, Muslins, Fustians, Velvets, and Velverets, wove in* Great-Britain, *to be printed, stained, painted, or dyed; and upon the Importation of Linens, Cotton Stuffs, Muslins, Fustians, Velvets, and Velverets, printed, stained, painted, or dyed in foreign Parts*, every Piece of Linen or Stuffs, or Stuffs made of Cotton, to be printed, painted, stained, or dyed in *Great-Britain*, after the first Day of *August*, one thousand seven hundred and eighty-five, is required to have a Seal or Stamp denoting the Payment of the Duties thereupon, and also a frame Mark denoting the Measure thereof, at both Ends of every such Piece; and all the Regulations of the said Act are enacted to extend to all Silks, Callicoes, Linens, and Stuffs to be printed, painted, stained, or dyed, in *Great-Britain*, after the said first Day of *August*, one thousand seven hundred and eighty-five; be it enacted by the Authority aforesaid, That whenever any Person shall be desirous of packing up, in order to be exported, any Piece or Pieces of such Silks, Callicoes, Linens, or Stuffs, printed, painted, stained, or dyed, before the said first Day of *August*, one thousand seven hundred and eighty-five, and not having such Seals or Stamps denoting the Payment of the Duties, and such frame Marks denoting the Measure thereof, at both Ends of such Piece or Pieces, such Person, or his Clerk or Manager, shall make Oath (or, being a Quaker, Affirmation) before the Surveyor or Supervisor, or other Officer of Excise appointed by the Commissioners of Excise for that Purpose, (who is hereby authorized and required to administer the same), that all and every such Piece and Pieces were printed, painted, stained, or dyed in *Great-Britain* before the said first Day of *August*, one thousand seven hundred and eighty-five; and such Officer or Officers shall not permit to be packed up, in order to be exported, any Piece of Silk, Linen, or Stuffs, which shall have been printed, painted, stained, or dyed in *Great-Britain*, after the said first Day of *August*, one thousand seven hundred and eighty-five, not having the Seals or Stamps denoting the Payment of the Duties, and also the frame Marks denoting the Measure thereof, distinct and plain, at both Ends of every such Piece; which frame Marks shall be cut off from both Ends, at the same Time as the Seals or Stamps denoting the Payment of the Duties are cut off from the same; and the Person or Persons intending to export such Goods shall also give six Hours Notice of the Time and Place of shipping such Goods, unto the Officer of Excise of the Place where the same shall be shipped, who shall attend and see the same put on Shipboard; and the Exporter of the said Goods shall also, before the shipping the same, give sufficient Security, to be approved of by the Commissioners of Excise, or the Person by them appointed for that Purpose, in treble the Value of the Duty intended to be drawn back, that the particular Goods so intended to be exported, and every Part thereof, shall be shipped and exported, and shall not be unshipped, unladed, or laid on Land, or put into any other Ship or Vessel within *Great-Britain*, Shipwreck, or other unavoidable Accident, excepted; which Security the Officer of Excise of the Port where the said Goods shall be exported, is hereby directed to take in his Majesty's Name, and to his Majesty's Use; and the said Exporter, or his Clerk or Manager, shall make Oath, (or Affirmation, if a Quaker), that he believes the Duties upon such Goods had been paid, and that such Goods are the same that are described in the Account sent as aforesaid by the Officer in whose Presence the same were packed, to the Officer attending the shipping, (which Oath or Affirmation the Surveyor or Supervisor, or other Officer appointed by the Commissioners for that Purpose, is hereby authorized and required to administer); and the said Surveyor or Supervisor, or other Officer aforesaid, and the Officer who attended the shipping the said Goods, being satisfied of the Truth thereof, shall, within one Month after the Exportation of the said Goods, give to the said Exporter, or his Clerk or Manager, a Certificate or Debenture, expressing the Quantities and Kinds of such Goods, and that all the Duties have been paid for the same, and that Security has been given before the shipping the same for the due exporting the same; and such Certificate or Debenture being produced to the Collector of the Port where the same Goods were exported, he shall forthwith pay or allow, to the Persons so exporting the same, or their

Directions relative to Silks, Callicoes, &c. painted or dyed before Aug. 1, 1785, and designed for Exportation.

Exporter to give Security that the Goods shall not be relanded in Great-Britain, &c.

Surveyor, &c. within a Month after Exportation, to give a Certificate to the Exporter, which shall intitle him to a Drawback.

Agents, a Drawback or Allowance of the Duties before paid for such Goods so exported; and if such Collector shall not have Money in his Hands to pay the same, then the respective Commissioners of Excise in *England* or *Scotland* are required to pay the said Drawback or Debenture out of the Duties upon Silks, Callicoes, Linens, or Stuffs, printed, painted, stained, or dyed in *Great-Britain*.

Officer attending the shipping of Goods may examine the same.

XX. Provided always, That it shall be lawful for the Officer attending the shipping such Goods, if he shall think it necessary, to open and examine such Goods at the Port of Exportation, in Order that he may be satisfied that such Goods are the same that are described in the Account sent to him by the Officer in whose Presence the Goods were packed.

Goods, after shipped for Exportation, re-landed, shall be forfeited.

XXI. Provided always, That if, after the shipping any such Goods, or giving or tendering such Security as aforesaid, in order to obtain an Allowance or Drawback of the Duties thereupon, the same Goods, or any Part thereof, shall be unshipped, unladed, or laid on Land, or put into any other Ship or Vessel within *Great-Britain*, Shipwreck or other unavoidable Accident, excepted; then, and in every such Case, over and above the Penalty of the Bond, which shall be levied and recovered to his Majesty's Use, all the said Goods which shall be so unshipped, unladed, or laid on Land, or put into any other Ship or Vessel within *Great-Britain*, Shipwreck, or other unavoidable Accident, excepted, or the Value thereof, shall be forfeited, and may be seized by any Officer of the Customs of Excise.

Not to authorize the Exportation of any other Goods,

XXII. Provided always, That nothing in this Act contained shall extend to authorize any Person or Persons to export any Goods whatsoever, to any Foreign Parts whatsoever, other than such Person or Persons might have done by Law before the making this Act.

or in any other Manner, than might be done before the passing hereof.

XXIII. Provided also, That nothing in this Act contained shall authorize any Person or Persons to export any Goods whatsoever, in any Manner whatsoever, other than such Person or Persons might have done before the making this Act, save and except as in this Act is expressly provided.

Not to entitle Exporters to any new Drawback.

XXIV. Provided also, That nothing in this Act contained shall extend to intitle any Person or Persons to any other Drawback or Allowance, upon the Exportation of any Goods whatsoever, than such Person or Persons would have been intitled to by Law upon the Exportation of such Goods before the making this Act.

All the Powers, Penalties &c. contained in 12 Car. 2. cap. 24. or any other Law relating to Excise Duties, for collecting and recovering the Duties thereby granted, shall be applied in executing this Act.

XXXII. And be it further enacted by the Authority aforesaid, That all and every the Powers, Authorities, Directions, Rules, Methods, Penalties, and Forfeitures, Clauses, Matters, and Things, which in and by an Act made in the twelfth Year of the Reign of King *Charles* the Second, intituled, *An Act for taking away the Court of Wards and Liveries, and Tenures* in Capite, *and by Knights' Service, and Purveyance, and for settling a Revenue upon his Majesty in Lieu thereof*, or by any other Law now in Force relating to his Majesty's Revenue of Excise, or Inland Duties under the Management of the Commissioners of Excise, are provided, settled, or established, for securing, enforcing, managing, raising, levying, collecting, paying, mitigating, or recovering, adjudging, or ascertaining, the Duties or Penalties thereby granted, and for preventing, detecting, and punishing of Frauds relating thereto, (other than in such Cases for which other Penalties or Provisions are prescribed by this Act), shall be exercised, practised, applied, used, and put in Execution, in and for the managing, raising, levying, collecting, mitigating, adjudging, ascertaining, recovering, and paying the several Duties hereby granted, as fully and effectually to all Intents and Purposes, as if all and every the said Powers, Authorities, Rules, Directions, Methods, Penalties, Forfeitures, Clauses, Matters, and Things, were particularly repeated and again enacted in this present Act.

Penalties and Forfeitures how to be recovered and applied.

XXXIII. And be it further enacted by the Authority aforesaid, That all Fines, Penalties, and Forfeitures, imposed by this Act, shall be sued for, recovered, levied or mitigated, by such Ways, Means, or Methods, as any Fine, Penalty, or Forfeiture may be sued for, recovered, levied, or mitigated by any Law or Laws of Excise, or by Action of Debt, Bill, Plaint, or Information, in any of his Majesty's Courts of Record at *Westminster*, or in the Court of Exchequer in *Scotland* respectively; and that one Moiety of every such Fine, Penalty, or Forfeiture, shall be to his Majesty, his Heirs and Successors, and the other Moiety to him or them who shall inform, discover, or sue for the same.

Limitations of Actions.

XXXIV. And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be brought or commenced against any Person or Persons for any Thing by him or them done in Pursuance of this Act, such Action or Suit shall be commenced within three Months next after the

the Matter or Thing done, and shall be laid in the proper County; and the Defendant or Defendants in such Action or Suit may plead the General Issue, and give this Act, and the Special Matter, in Evidence at any Trial to be had thereupon; and if afterwards a Verdict shall pass for the Defendant or Defendants, or the Plaintiff or Plaintiffs shall become nonsuited, or discontinue his, her, or their Action or Prosecution, or Judgment shall be given against him, her, or them, upon Demurrer or otherwise, then such Defendant or Defendants shall have treble Costs awarded to him, her, or them, against such Plaintiff or Plaintiffs.

General Issue.

Treble Costs.

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26 GEORGII III. Cap. XVI.

An Act to explain and amend certain Provisions of an Act, made in the Twenty-fourth Year of the Reign of his present Majesty, respecting the better Regulation and Management of the Affairs of the East-India *Company.*

Preamble.

WHEREAS by Virtue of an Act, made and passed in the twenty-fourth Year of his present Majesty's Reign, intituled, *An Act for the better Regulating and Management of the Affairs of the* East-India *Company, and of the* British *Possessions in* India; *and for establishing a Court of Judicature for the more speedy and effectual Trial of Persons accused of Offences committed in the* East-Indies, it is enacted, That whenever any Vacancy of the Office of Governor-General or President, or of any Member of the Council, shall happen in any of the Presidencies of *Fort William* in *Bengal*, *Fort Saint George*, or *Bombay* respectively, the Court of Directors of the said United Company shall proceed to nominate and appoint a fit Person to supply such Vacancy from amongst their covenanted Servants in *India*, except to the Office of Governor-General, or the Office of Governor or President of *Fort Saint George*, or *Bombay*, or of any Commander in Chief, to which several Offices the said Court of Directors have Liberty to appoint any other Person or Persons: And whereas a Doubt may arise whether, according to the strict Letter of the said Act, the Nominations and Appointments, made or to be made by the said Court of Directors, of any of the covenanted Servants of the said Company to supply the vacant Office of any Counsellor or Counsellors in any of the Presidencies aforesaid, are or would be valid or effectual, unless such covenanted Servants were actually resident in *India* at the Times of the making of such Nominations and Appointments respectively: Therefore, for obviating any such Doubt, may it please your most Excellent Majesty that it may be enacted and declared; and be it enacted and declared by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Nominations and Appointments which have been, or shall hereafter be made by the said Court of Directors, for supplying any such Vacancy or Vacancies as aforesaid, of any Person or Persons under Covenant, or who shall have been under Covenant to serve the said United Company in *India*, were and shall be accepted, held, and taken to have been hereafter to be valid and effectual, wheresoever such Persons were or may happen to be resident at the Times of the making such Nominations and Appointments respectively.

24 Geo. 3. c. 25.

Certain Nominations of covenanted Servants by the Court of Directors declared valid.

II. Provided always, and be it further enacted by the Authority aforesaid, That the said Court of Directors shall not appoint any Person to be of the Council, in any of the said Presidencies, (other than the Governor-General, or the Governor or President, or Commander in Chief), who shall not, at the Time of his Aappointment, have been twelve Years at the least, in the Whole, resident in *India*, in the civil Line of the Company's Service; and if any such Appointment other than as aforesaid shall be made, the same shall be null and void.

No Person to be appointed of the Council (except the Governor-General, &c.) who has not been 12 Years in the civil Line of Service.

III. And whereas it is in and by the said Act also enacted, That when and so often as the Number of Members of any of the Councils of *Fort William*, *Fort Saint George*, or *Bombay*, shall by Death or Absence, or by Reason of Sickness or otherwise, for fourteen Days, be reduced to two, including the Governor-General, or President of such Council, the Person who shall stand Senior in such provisional Appointment as is therein-before mentioned, or in the Case there shall be no such Appointment, then the Senior civil Servant of the said Company upon the Spot shall be called to such Council, and shall have a Voice therein, in like Manner as if he had been appointed thereunto by the said Directors: And whereas the said recited Clause or Provision hath been productive of Difficulty and Embarrassment; Be it therefore further enacted by the Authority aforesaid,

The 27th Section of 24 Geo. 3. c. 25. recited,

and repealed.

aforesaid, That so much and such Part of the said recited Act, as directs that the Senior civil Servant of the Company upon the Spot shall, upon any of the Occasions, or in any of the Events aforesaid, be called to the Council of any of the said Presidencies, or have Voice therein, shall be, and the same is hereby repealed.

Temporary Councellors how to be appointed at Fort William, &c.

IV. And be it further enacted, That when and so often as the Number of Members of any of the Councils of *Fort William*, *Fort Saint George*, or *Bombay*, shall by Death or Resignation, be reduced to two, including the Governor-General, or the President of such Council for the Time being respectively, and there shall happen to be no Person on the Spot provisionally appointed to succeed to a Seat in such Council, the Governor-General and Council within the Presidency of *Fort William*, and the Governor or President and Council of *Fort Saint George*, and the Governor or President and Council of *Bombay*, within their respective Presidencies, shall, and they are hereby severally required to call to such their respective Councils such Person from amongst the civil Servants of the said Company in such Government or Presidency respectively, who shall have been in the Service of the said Company in *India*, as a covenanted Servant, for the Space of twelve Years, at the least, in the Whole, as the said Governor-General and Council, or Governors or Presidents and Councils, in their several Presidencies, shall severally and respectively think fit; and the Person so called shall have a Seat and Voice in Council, and continue to be a Member thereof until the Vacancy shall be duly supplied and filled, according to the Directions of the said recited Act, and this present Act; and that every Person who shall be so called by the said Governor-General and Council, or Governors or Presidents and Councils respectively, to a Seat in the Council of any of the said Presidencies, shall be intitled, for the Time he shall continue therein, to the Salary and Allowance annexed to that Office or Station, and shall and may continue to hold any other Office or Employment which he enjoyed at the Time of his being called to a Seat in Council, if compatible therewith; or such Office or Employment shall and may be held by any Deputy, approved and allowed by Order in Council, during the Time of the Person so called holding his Seat at the Council Board, such Deputy receiving the Profits and Emoluments thereof for his own Use and Benefit.

Part of the 18th and 19th Sections of 24 *Geo.* 3. *c.* 25. relative to Commanders in Chief repealed.

V. And whereas it is in and by the said recited Act enacted, That the Commander in Chief of the Company's Forces in *India* for the Time being shall have Voice and Precedence in the Supreme Council next after the Governor-General of *Fort William*; and that the Commanders in Chief at *Fort Saint George*, and *Bombay*, shall respectively be of the Council in the said respective Presidencies: And whereas it may be more expedient that any such Commander in Chief should not, by Virtue of his said Office, be a Member of any of the said respective Councils, unless he be specially appointed thereto: Be it therefore enacted, That so much and such Part of the said Act as directs, that the Commander in Chief of the Company's Forces in *India* for the Time being, or the Commanders in Chief in the Presidencies or Settlements of *Fort Saint George* and *Bombay*, shall, by Virtue of their said respective Offices, be a Member or Members of any of the Councils of *Fort William*, *Fort Saint George*, or *Bombay*, respectively, or have any Voice or Precedence therein, shall be, and the same is hereby repealed.

Directors may appoint Commander in Chief to be Governor-General, &c. at Fort William;

or Commander in Chief of Fort Saint George, or Bombay, to be President there, &c.

VI. Provided always, and be it enacted, That nothing in this or in any former Act contained shall extend to preclude the Court of Directors of the said United Company from appointing the Commander in Chief of the Company's Forces in *India* to be Governor-General, or a Member of the Supreme Council at *Fort William* in *Bengal*; or from appointing either of the said Commanders in Chief of *Fort Saint George* and *Bombay*, to be President or Member of the Council for the Presidency wherein he shall so be the Commander in Chief; or to prevent or preclude the Court of Directors of the said Company from appointing the Governor-General of *Bengal*, or any other Member of the Supreme Council for the Time being, to be the Commander in Chief of the Company's Forces in *India*; or from appointing either of the Governors or Presidents of *Fort Saint George* and *Bombay*, or any of the Members of Council of the said respective Presidencies for the Time being, to be Commander in Chief of the Forces within the same Presidency of which he shall be the Governor or President, or a Member of Council, if the said Court of Directors shall think fit and expedient so to do.

In extraordinary Cases, the Governor-General, &c. may act without the Concurrence of the Council.

VII. And whereas it would tend greatly to the Strength and Security of the *British* Possessions in *India*, and give Energy, Vigour, and Dispatch to the Measures and Proceedings of the Executive Government within the respective Presidencies, if the Governor-General of *Fort William* in *Bengal*, and the several Governors or Presidents of *Fort Saint George* and *Bombay*, were vested with a discretionary Power of acting without the Concurrence of their respective Councils, or forbearing to act, according to their Opinions in Cases of high Importance, and essentially affecting the public Interest and Welfare, thereby subjecting themselves personally to answer to their

their Country for so acting or forbearing to act; be it therefore enacted, That when and so often as any Measure or Question shall be proposed or agitated in the Supreme Council at *Fort William* in *Bengal*, or in either of the Councils of *Fort Saint George* and *Bombay*, whereby the Interests of the said United Company, or the Safety or Tranquillity of the *British* Possessions in *India*, or any Part thereof, are or may, in the Judgment of the Governor-General, or of the Presidents of such Councils respectively, be essentially concerned or affected; and the said Governor-General, or such Presidents respectively, shall be of Opinion, that it will be expedient either that the Measures so proposed or agitated ought to be adopted or carried into Execution, or that the same ought to be suspended, or wholly rejected, and the several other Members of such Council then present shall differ in, and dissent from such Opinion, the said Governor-General, or the President of such Council, and the other Members thereof, shall, and they are hereby directed forthwith mutually to exchange with, and communicate in Council to each other in Writing, under their respective Hands, (to be recorded at large on their Secret Consultations), the respective Grounds and Reasons of their respective Opinions; and if, after considering the same, the said Governor-General or the said Presidents respectively, and the other Members of the said Council, shall severally retain their Opinions, it shall and may be lawful to and for the said Governor-General in the Supreme Council of *Fort William*, or for either of the said Governors or Presidents in their respective Councils, to make and declare any Order (to be signed and subscribed by the said Governor-General, or by the Governor or President making the same) for suspending or rejecting the Measure or Question so proposed or agitated, in Part or in Whole, or to make and declare such Order and Resolution for adopting and carrying the Measure so proposed or agitated into Execution, as the said Governor-General, or the said Governors or Presidents in their respective Councils, shall think fit and expedient; which said last mentioned Order and Resolution, so made and declared, shall be signed, as well by the said Governor-General, or the Governor or President, so making and declaring the same, as by all the other Members of the Council then present, and shall be as effectual and valid to all Intents and Purposes, as if all the said other Members had advised the same, or concurred therein; any Thing in the said former Act contained to the contrary notwithstanding: And the said Members of Council, and all Officers civil and military, and all other Persons concerned, shall be, and they are hereby commanded, authorized, and enjoined to be obedient thereto, and to be aiding and assisting in their respective Stations in the carrying the same into Execution.

Governor-General, &c. to be responsible.

VIII. And be it further enacted, That the said Governor-General, or the Governor or President, who shall declare and command any such Order or Resolution to be made and recorded without the Assent or Concurrence of any of the other Members of Council, shall alone be held responsible for the same, and the Consequences thereof.

Restrictions of the Powers given to the Governor-General, &c.

IX. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to give Power to the said Governor-General of *Fort William* in *Bengal*, or to either of the said Governors or Presidents of *Fort Saint George* and *Bombay* respectively, to make or carry into Execution any Order or Resolution which, before the passing of this Act, could not have been lawfully made and executed with the Concurrence of the Councils of their respective Governments or Presidencies; any Thing herein contained to the contrary notwithstanding.

Discretionary Powers not to be exercised by any Governor-General, &c. who shall casually succeed to such Office.

X. Provided also, and be it further enacted and declared, That nothing in this Act contained shall extend, or be construed to extend, to give any discretionary Power or Authority of acting, or forbearing to act, without the Concurrence of the other Members of Council, unto any Person on whom the said Office of Governor-General, or the said Office of Governor or President, respectively, shall happen to devolve, by the Death or Resignation of any Governor-General, Governor or President, for the Time being respectively, unless such Person shall have been provisionally appointed to succeed to such respective Office by the Court of Directors of the said Company, or unless and until he shall be afterwards confirmed in the said Office by the said Court; but that, during the Time any of the said Offices shall be so held and executed by any Person, on whom the same shall have so casually devolved, unless he shall have been so provisionally appointed thereto, or until he shall be so confirmed therein as aforesaid, all Matters, Acts, Orders, and Resolutions of the respective Council wherein such Persons shall so preside, shall be determined by the Majority of the Council, in the like Manner as if this Act had not been made, any Thing herein-before contained to the contrary notwithstanding.

Certain Cases in which the new Powers shall not be exercised by

XI. Provided also, and be it enacted, That nothing herein contained shall intitle the said Governor-General of *Fort William* in *Bengal*, or either of the Governors or Presidents of *Fort Saint*

the Governor-General, &c.

Saint George and *Bombay*, respectively, to make or carry into Execution any Order or Resolution without the Concurrence of the Councils of their respective Governments, in any Matter which shall come under the Consideration of the said Governor-General and Governors or Presidents, and their Councils respectively, in their judicial Capacity, or with Respect to the making or repealing or suspending any general Rule, Order, or Regulation, for the good Order and civil Government of the said United Company's Settlements, or with Respect to the imposing of any Tax or Duty within their respective Governments or Presidencies.

By whom the Orders of the Supreme Council, &c. shall be expressed to be made.

XII. And be it further enacted, That all Orders and other Proceedings of the said Supreme Council, and of the said Councils of *Fort Saint George* and *Bombay*, respectively, shall in Future be expressed to be made *by the Governor-General in Council*, or *by the Governor or President in Council*, and not otherwise; and that all the said Orders and Proceedings, previous to their being published in the respective Presidencies, shall be signed by the chief Secretary to the Council of the Presidency, or his Deputy for the Time being, by the Authority of the Governor-General in Council, or the Governor or President in Council; any Act or Usage to the contrary notwithstanding.

Vacancies in civil Offices how to be supplied.

XIII. And whereas the Principle of Promotion and Advancement intended to be established by the said Act, so far as relates to the civil Line of the Company's Service in *India*, may be carried into Effect with more Convenience to the public Service in the Manner herein-after directed; be it therefore further enacted, That all Vacancies, happening in any of the Offices, Places, or Employments, in the civil Line of the Company's Service in *India*, (being under the Degree of a Member of the Council), shall be from Time to Time filled up and supplied from amongst the Servants of the said Company belonging to the Presidency wherein such Vacancies shall respectively happen, subject only to the Restrictions in this Act contained, and no otherwise; any Thing in the said former Act contained to the contrary notwithstanding.

Rules to be observed in filling up such Vacancies.

XIV. Provided always, and be it enacted, That in the filling up and supplying such Vacancies, no Office, Place, or Employment, the Salary, Perquisites, and Emoluments whereof shall exceed five hundred Pounds *per Annum*, shall be conferred upon or granted to any of the said Servants, who shall not have been actually resident in *India*, in the Company's Service, for the Space of three Years at the least in the Whole, antecedent to such Vacancy; and if the Salary, Perquisites, and Emoluments of any Office, Place, or Employment, shall exceed one thousand five hundred Pounds *per Annum*, the same shall not be granted to or conferred upon any of the said Servants who shall not have been actually Resident in *India*, in the said Service, for the Space of six Years at the least in the Whole, antecedent to such Vacancy; and if the Salary, Perquisites, and Emoluments of any Office, Place, or Employment, shall exceed three thousand Pounds *per Annum*, the same shall not be granted to or conferred upon any of the said Servants, who shall not have been actually Resident in *India*, in the Company's Service, for the Space of nine Years at the least in the Whole; and if the Salary, Perquisites, and Emoluments of any Office, Place, or Employment, shall exceed four thousand Pounds *per Annum*, the same shall not be granted to or conferred upon any of the said Servants, who shall not have been actually resident in *India*, in the Company's Service, for the Space of twelve Years at least in the Whole, antecedent to such Vacancy; and that all Appointments, Advancements, and Promotions, which shall be made for supplying any such Vacancies, other than as aforesaid, shall be null and void.

No Person to hold several Offices to a greater Amount than he is qualified to hold in a single Office.

XV. And be it further enacted, That no Person shall for the Future be capable of taking in the civil Line of the Company's Service, two or more Offices, Places, or Employments, the joint Amount of the Salaries, Perquisites, and Emoluments of which shall exceed, in the Whole the annual Salary, Perquisites, and Emoluments respectively prescribed in the Regulations and Restrictions before mentioned; any Law or Usage to the contrary notwithstanding.

Members of the Secret Committee to be sworn.

XVI. And whereas the said Court of Directors for the Time being are, in and by the said recited Act, required, from Time to Time, to appoint a Secret Committee, to consist of any Number of the said Directors, not exceeding three, for the particular Purposes in the said Act specified, but no Oath of Secrecy was thereby provided or directed to be taken by the Members of such Secret Committee; be it therefore further enacted, That the Oath of the Members of the said Secret Committee shall be of the Tenor following; (that is to say);

The Oath.

I A. B. do swear, That I will, according to the best of my Skill and Judgment, faithfully execute the several Trusts and Powers reposed in me as a Member of the Secret Committee, appointed by the Court of Directors of the United Company of Merchants of England *trading to the* East-Indies; *I will not disclose or make known any of the secret Orders or Instructions which shall be given, communicated, or transmitted to me by the Commissioners for the Affairs of* India, *concerning the levying of War, or the making of Peace, or treating or negociating with any of the native Princes or States of* India; *save only to the other Members of the said Secret Committee, or to the Person or Persons who shall be duly nominated and employed in transcribing or preparing the same respectively, unless I shall be authorized by the said Commissioners to disclose and make known the same.*

So help me GOD.

Oath when to be taken.

XVII. And be it further enacted, That the said Oath shall be taken and subscribed by the present Members of the said Secret Committee within fourteen Days after this Act shall have received his Majesty's Assent; and that the future Members of the said Secret Committee shall take and subscribe the said Oath, before they shall respectively proceed to act in the Execution of the Powers and Trusts to them given by the said former Act, and this present Act; and the said Oath shall and may be administered by the several and respective Members of the said Committee to each other; and being so by them taken and subscribed, the same shall be recorded by the Secretary of the said Court of Directors for the Time being, amongst the Acts of the said Court.

Secret Committee may employ Transcribers;

XVIII. And be it further enacted, That if the said Secret Committee, in the Execution of their said Powers and Trusts, shall find it necessary to employ any Person in transcribing or preparing any secret Dispatches, Orders, or Instructions, required to be transmitted by them to *India*, under the Direction of the said former Act, the said Dispatches, Orders, and Instructions, shall be transcribed and prepared, either by the Secretary of the Court of Directors for the Time being, or by the Officer called *The Examiner of* Indian *Correspondence*, for the Time being, and by no other Person or Persons, unless with the Approbation and Consent of the said Commissioners for the Affairs of *India*, or any three or more of them, for that Purpose first had and obtained; and that as well the said Secretary and Examiner, as every other Person who shall be intrusted with the transcribing or preparing any of such Dispatches, Orders, or Instructions, shall, before they shall respectively enter upon that Duty, take and subscribe, before two or more of the Members of the said Secret Committee, an Oath of Secrecy, as near unto the Tenor and Form of the Oath herein-before provided, and directed to be taken by the Members of the said Secret Committee, as the Case will admit; and the Members of the said Committee, or any two of them, are hereby authorized and required to frame and administer such Oath accordingly, and to attest the taking and subscribing of the same by the said Secretary and Examiner, and all other Persons who shall be employed by them as aforesaid, and to cause the same to be recorded amongst the Acts of the said Court of Directors.

who shall take an Oath of Secrecy.

Commencement of this Act.

XIX. And be it enacted, That this Act shall take Place and have Commencement, in *Great-Britain*, immediately after this Act shall have received his Majesty's Royal Assent; and shall take Place and have Commencement, in the several Presidencies aforesaid, and in the Territories thereunto belonging, from the first Day of *January*, one thousand seven hundred and eighty-seven.

Public Act.

XX. And be it further enacted, That this Act shall be, and shall be deemed and taken to be, a public Act.

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26 GEORGII III. Cap. XXV.

An Act for obviating all Doubts which have arisen, or might arise, with Respect to the exclusive Power of the Court of Directors of the East India *Company to nominate and appoint the Governor-General and Council of the Presidency of* Fort William *in* Bengal.

Preamble.

WHEREAS Doubts have arisen whether, on the Nomination and Appointment of a Governor-General, or any of the several other Members of the Council of the Presidency of *Fort William* in *Bengal*, in the *East-Indies*, under and by Virtue of an Act, passed in the twenty-fourth Year of his present Majesty's Reign, intituled, *An Act for the better Regulation and Management of the Affairs of the* East-India *Company, and of the* British *Possessions in* India, *and for*

24 Geo. 3. c. 25.

for establishing a Court of Judicature for the more speedy and effectual Trial of Persons accused of Offences committed in the East-Indies; his Majesty's Approbation of the same, under his Sign Manual, be by Law required: Therefore, for removing all Doubts respecting the same, may it please your Majesty that it may be declared and enacted; and be it declared and enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That his Majesty's Approbation of the Nomination and Appointment of the Governor-General, and of the several other Members of the Council of the Presidency of *Fort-William* in *Bengal*, is not, nor shall be necessary to render such Appointments respectively good and effectual in Law; and that all Nominations and Appointments of any such Governor-General, or other Member or Members of the said Council of *Fort-William*, by Authority of the Court of Directors of the said Company, since the passing of the before-mentioned Act, were good, valid, and effectual in the Law, notwithstanding his Majesty's Approbation of the same was not signified to the said Company, or to the Court of Directors of the said Company, under his Majesty's Sign Manual.

His Majesty's Approbation of the Appointment of Governor-General, &c. of Fort-William not necessary.

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26 GEORGII III. Cap. L.

An Act for the Encouragement of the Southern Whale Fishery.

[So much thereof as relates to the *East-India* Company.]

Preamble.

WHEREAS it is proper to encourage, by new and additional Premiums, the Fishery carried on by his Majesty's *European* Subjects in the Seas to the Southward of the *Greenland* Seas and *Davis' Streights*, for the Purpose of taking Whales and other Creatures found in those Seas: And whereas it is of Importance that immediate Effect should be given to such new and additional Premiums, for which Reason it is necessary to repeal the Laws by which the present Premiums are granted; be it therefore enacted, *&c.*

Ships permitted to sail to the East of Good Hope, &c.

XIV. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for any Ship or Vessel employed in carrying on the said Southern Whale Fishery, to sail and pass for that Purpose to the Eastward of the *Cape of Good Hope*, and to the Westward of *Cape Horn*, or through the *Streights of Magellan*; any Law, Usage, or Custom to the contrary notwithstanding.

Restrictions in their Course.

XV. Provided always, and be it futher enacted, That any Ship or Vessel sailing to the Eastward of the *Cape of Good Hope*, for the Purpose aforesaid, shall not sail or pass to the Northward of thirty Degrees of South Latitude, nor make more than fifteen Degrees of East Longitude from the said *Cape of Good Hope*; and that any Ship or Vessel so sailing or passing to the Westward of *Cape Horn*, or through the *Streights of Magellan*, for the Purpose aforesaid, shall not pass to the Northward of the Equinoctial Line, nor make more than fifty Degrees of West Longitude from *Cape Horn*.

Ships sailing to the East of Good Hope, &c. to take a License from the India Company.

XVI. Provided also, and be it further enacted, That every Ship or Vessel employed in the said Fishery, and intending to sail or pass to the Eastward of the *Cape of Good Hope*, or to the Westward of *Cape Horn*, or through the *Streights of Magellan*, shall, before she shall proceed on her Voyage, be obliged to take a License for each respective Voyage, from the Court of Directors of the United Company of Merchants of *England*, trading to the *East-Indies*, for the Time being, in the Name and under the Seal of the said Company, specifying which of the said Voyages such Ship shall be licensed to perform, and such License shall be valid and effectual only for the Voyage therein expressed; and the said Court of Directors shall not be required to grant any License to pass to the Eastward of the *Cape of Good Hope*, to more than ten Ships or Vessels in any one Year or Season, nor to grant any License to any Ship or Vessel to sail or pass to the Eastward of the *Cape of Good Hope*, unless the Person or Persons applying for, or demanding such License, shall deliver to the said Court of Directors a Manifest or Certificate under the Hand of the Collector or Comptroller, or other Chief Officer of the Customs belonging to the Port or Place from whence such Ship or Vessel is intended to clear out and sail, verified by the Oath of the Owner or Owners, or the Master of such Ship or Vessel, taken before and attested by any Magistrate, or other Person authorized by Law to take Affidavits, specifying the Names and Places

Conditions on which such Licenses are to be granted.

of Abode of the Owner or Owners, and Master of the said Ship, and also the Species, Quantity, Quality, and Value of all Goods then on Board of such Ship or Vessel, and of all Goods (if any) intended to be afterwards taken into, or on Board of the same, before her Departure outwards; and also unless it shall, by such Manifest or Certificate, appear unto the said Court of Directors, that no Goods or Merchandizes whatever (save and except the Stores of such Ship or Vessel, and the Tackle, Materials, and other Things necessary for the Purpose of the Voyage) are taken, or intended to be taken into or on Board of such Ship or Vessel.

Ships sailing out of their Limits, or having improper Merchandize on Board, liable to the Penalties of trading to the East-Indies without License.

XVII. And be it further enacted, That if any Ship or Vessel to be employed in the said Southern Whale Fishery, to the Eastward of the *Cape of Good Hope*, or the Westward of *Cape Horn*, shall proceed or go beyond the Limits herein-before specified or expressed, unless driven or forced beyond the same by Stress of Weather, or other inevitable Accident, or being so driven or forced, shall not return back within the Limits herein-before prescribed, with as much convenient Speed as the Safety of the Ship or other Circumstances will admit; or if any Ship or Vessel shall depart from any Port or Place without having first obtained such License as aforesaid, and shall go or be found beyond the *Cape of Good Hope*, or beyond the *Streights of Magellan*, or in any other Place within the Limits of the said Company's exclusive Trade; or if any Ship or Vessel, being so licensed to proceed to the Fishery beyond the *Cape of Good Hope*, shall have on Board, or shall take on Board before her Return, any Manufactures, Goods, or Merchandize, other than and except such as shall have been specified and described in and by such Manifest or Certificate, and other than and except the Oil, Head Matter, or Bone of Whales, or other Fish or Creatures caught or taken in carrying on the said Fishery; every such Ship or Vessel, and the Goods, Merchandizes, and Effects on Board the same, and the Owner and Owners, Master and Crew thereof, shall be deemed and taken, to all Intents and Purposes, to be subject to the several Provisions, Regulations, Penalties and Forfeitures, by any Act or Acts, made or imposed upon any Person or Persons, or their Ships, Vessels, Goods, Merchandizes, and Effects, who shall repair, sail, adventure, or go to, or Traffic, Trade, or be found in the *East-Indies*, or other Place or Places within the Limits of the said United Company's exclusive Trade, without License having been first obtained from the said Company; and the Offenders shall and may be sued and prosecuted, and the Penalties and Forfeitures incurred shall and may be recovered in any Court of Justice in *Great-Britain*, or in the *East-Indies*, wherein Suits may be instituted and brought for Offences committed against the said Acts, or any of them.

Certificates to be delivered to the Secretary of the East-India Company, that no Produce of the East-Indies has been imported, to entitle to a Premium.

XVIII. And be it further enacted by the Authority aforesaid, That within thirty Days next after the Return of any Ship or Vessel from a fishing Voyage to the Eastward of the *Cape of Good Hope*, the Master of such Ship or Vessel shall deliver, or cause to be delivered, to the Secretary of the said United Company, for the Use of the said Court of Directors, a Certificate under the Hand of the Collector or Comptroller, or other chief Officer of the Customs belonging to the Port or Place where the said Ship or Vessel shall arrive, verified by the Oath of the said Master, taken before and attested by any Magistrate or other Person authorized by Law to take Affidavits, that no Goods or Merchandizes whatever of the Growth, Produce, or Manufacture of any Place or Places in the *East-Indies*, *China*, or elsewhere between the *Cape of Good Hope*, and the *Streights of Magellan*, except Oil, Head Matter, or Bone of Whales or other Fish, have been taken on Board such Ship or Vessel during the said Voyage; but in Case any such Goods and Merchandizes shall have been taken on Board the said Ship or Vessel during the said Voyage, then the said Certificate shall specify the Species, Quantity, Quality, and Value of all such Goods and Merchandizes, and the Cause or Reason of taking the same on Board; and the Owner or Owners of such Ship or Vessel shall not be entitled to any Bounty under the Authority of this Act, until such Certificate as aforesaid shall have been delivered to the said Secretary, and such Delivery shall have been proved by a Production of his Receipt for the same.

Persons granting or using false Certificates, forfeit 500l.

XXIX. And be it further enacted by the Authority aforesaid, That if any Person or Persons whatever shall knowingly give or grant any false Certificate or Certificates for any of the Purposes required or directed by this Act, such Person or Persons shall forfeit the Sum of five hundred Pounds, and be rendered incapable of serving his Majesty, his Heirs or Successors, in any Office whatever: And if any Person or Persons shall counterfeit, erase, alter, or falsify any Certificate or Certificates required by this Act, or shall knowingly or willingly make Use of any false Certificate or Certificates, or of any Certificate or Certificates so counterfeited, erased, altered, or falsified, such Person or Persons shall, for every such Offence, forfeit the Sum of five hundred Pounds; and every such Certificate or Certificates shall be invalid and of no Effect.

How Penalties are to be appropriated.

XXX. And be it further enacted by the Authority aforesaid, That one Moiety of the Penalties and Forfeitures inflicted by this Act (except in such Cases where other Directions are given

by this Act), shall be to the Use of his Majesty, his Heirs and Successors, and the other Moiety to such Officer or Officers of the Customs as shall sue or prosecute for the same in any of his Majesty's Courts of Record at *Westminster*, or in the Court of Exchequer in *Scotland* respectively, where the Offence shall be committed.

General Issue.

XXXI. And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons whatever, for any Thing done in Pursuance of this Act, the Defendant or Defendants, in such Action or Suit, may plead the general Issue, and give this Act, and the special Matter, in Evidence at any Trial to be had thereupon, and that the same was done in Pursuance of and by the Authority of this Act: And if it shall appear so to have been done, the Jury shall find for the Defendant or Defendants; and if the Plaintiff shall be nonsuited, or shall discontinue his Action, after the Defendant or Defendants hath or have appeared, or if Judgment shall be given upon any Verdict or Demurrer against the Plaintiff, the Defendant or Defendants shall recover treble Costs, and have the like Remedy for the same as Defendants have in other Cases by Law.

Treble Costs.

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26 GEORGII III. Cap. LVII.

An Act for the further Regulation of the Trial of Persons accused of certain Offences committed in the East-Indies; *for repealing so much of an Act, made in the Twenty-fourth Year of the Reign of his present Majesty, (intituled,* An Act for the better Regulation and Management of the Affairs of the *East-India* Company, and of the *British* Possessions in *India*, and for establishing a Court of Judicature for the more speedy and effectual Trial of Persons accused of Offences committed in the *East-Indies*), *as requires the Servants of the* East-India *Company to deliver Inventories of their Estates and Effects; for rendering the Laws more effectual against Persons unlawfully resorting to the* East-Indies; *and for the more easy Proof, in certain Cases, of Deeds and Writings executed in* Great-Britain *or* India.

Preamble.

Recital of Act 24 Geo. 3. c. 25.

WHEREAS by an Act made in the twenty-fourth Year of his Majesty's Reign, intituled, *An Act for the better Regulation and Management of the Affairs of the* East-India *Company, and of the* British *Possessions in* India; *and for establishing a Court of Judicature for the more speedy and effectual Trial of Persons accused of Offences committed in the* East-Indies, divers Provisions were made and enacted for the more effectually prosecuting and bringing to speedy and condign Punishment the Crime of Extortion, and other Misdemeanors, committed in the *East-Indies* by *British* Subjects, in the Service of his Majesty, or of the said Company; and particularly for constituting a special Court of Judicature for the Trial of any Information, to be exhibited in his Majesty's Court of King's-Bench, against such Offenders, under and by Virtue of a Commission, to be awarded under the Great Seal of *Great-Britain*, directed to four Members of the House of Peers, six Members of the House of Commons, and three of the Judges of his Majesty's Courts of Law at *Westminster*, such Members and Judges to be selected and chosen in the Manner prescribed by the said Act; and the said Special Commissioners, to be so constituted by such Commission, or any seven or more of them, (of whom one of the said three Judges was to be one), were, by the said Act, invested with full Power and Authority to hear and determine every such Information, and to pronounce Judgment thereon, according to the Effect of the Judgment at Common Law, upon Convictions had and obtained according to the Course of the Common Law, for Extortion or other Misdemeanor: And whereas the Selection of the Members of the said respective Houses of Parliament, for the Purposes aforesaid, may be rendered more easy and convenient: And whereas it is judged expedient, that, instead of seven, not less than ten Commissioners, to be constituted by such Commission as aforesaid, should have Authority to hear and determine any such Information, and, for that Purpose, that a greater Number of Members of each House of Parliament, than is directed by the said Act, should, together with the said three Judges, be named and authorized as Commissioners in and by such Commission: And whereas it is also expedient, that, for giving greater Vigour and Efficacy to the Proceedings and Judgments of the said special Commissioners, further Regulations should be provided and established

blished: May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Members of the House of Lords, by the said Act directed to be named by the said House for the Purposes aforesaid, shall be chosen, nominated, and appointed in the Manner following, and no otherwise, any Thing in the said recited Act contained to the contrary notwithstanding; (that is to say), That within the first thirty sitting Days of the House of Lords in every future Session of Parliament, the Members of the said House, or any of them, may respectively deliver in, at the Table, Lists inclosed in Covers, sealed up, and having the Words *East-India Judicature*, and their respective Names or Titles of Honour, by which they are generally known and distinguished, indorsed on the Outside thereof, in their respective proper Hand-writing; every such List containing the Names or Titles of twenty-six Peers; and that, on the first sitting Day after the Expiration of the said thirty Days, the Clerk of the Parliaments, or his Deputy or Assistant, or such other Person as the said House shall direct, shall prepare and lay upon the Table of the said House a List of the Names or Titles of the Lords who shall, within the said thirty Days, have delivered such Lists; and that, on the next sitting Day of the said House, the said Covers shall be opened by the Clerk of the Parliaments, or his Deputy or Assistant, or such other Person as the said House shall direct, by the Order of the Speaker of the said House, during the Sitting of the said House, and all the Lists which shall be so delivered shall be taken out of the said Covers and put into a Box; and the said Lists shall be referred by the said House to a Committee, who shall examine the same, and within such Time as the said House shall direct, report to the House the Name or Title of every Lord whose Name or Title shall appear in ten or more of such Lists; and if the Names or Titles of the respective Members so returned shall not amount to twenty-six Members at the least, exclusively of such of the Members so returned as shall be struck out of the said Lists according to the Directions of this Act, the Members of the said House, or any of them, may, on any of the next seven sitting Days of the said House, deliver in fresh Lists in Covers sealed up, and indorsed in the Manner hereinbefore directed, each of such Lists containing a Number of Names or Titles of Members of the said House, equal to that Number by which the List returned by the Committee shall, exclusively of the Members struck out as aforesaid, fall short of twenty-six; and the said Covers shall be opened, and the Lists disposed of, referred, and proceeded upon after the End of the said seven Days, in the Manner herein-before directed in Respect to the said former Lists.

Within the first 30 sitting Days of every Session, Lists of 26 Names to be delivered in sealed up, by the Members of the Upper House, from which shall be selected 26 Peers;

II. And be it further enacted by the Authority aforesaid, That the Members of the House of Commons, to be named by that House for the Purposes aforesaid, shall be chosen, nominated, and appointed in the Manner following, and no otherwise, any Thing in the said recited Act contained to the contrary notwithstanding; (that is to say), That within the first thirty sitting Days of the said House in every future Session of Parliament, the Members of the said House, or any of them, may respectively deliver in, at the Table, Lists, inclosed in Covers, sealed up, and having the Words *East-India Judicature*, and their respective Names, indorsed on the Outside thereof, in their respective proper Hand-writing, each of which Lists shall contain the Names of forty Members of the said House; and that, on the first sitting Day after the Expiration of the said thirty Days, the Clerk of the said House, or his Deputy or Assistant, or such other Person as the House shall direct, shall prepare, and lay upon the Table, the Names of all the Members who shall have delivered such Lists; and that on the next sitting Day of the said House, the Clerk of the said House, or any or either of such other Persons as aforesaid, shall, at the Table, during the sitting of the said House, by the Order of the Speaker, take the Lists out of the said Covers, and put the said Lists together into a Box; and the said Lists shall be immediately referred, by the said House, to a Committee, who shall examine the same, and within such Time as the House shall direct, report to the House the Name of every Member whose Name shall appear in twenty or more of the said Lists; and if the Names so returned shall not amount to forty at the least, exclusively of such of the said Members therein named as shall be struck out of the said Lists according to the Directions of this Act, the Members of the said House, or any of them, may, on any of the next seven sitting Days of the said House, deliver in at the Table of the said House fresh Lists, in Covers, sealed up and indorsed in the Manner herein-before directed, each List containing a Number of Names of Members of the said House equal to that Number by which the List returned by the said Committee shall, exclusively of such of the said Names as shall be so struck out, fall short of forty, and the said Lists shall be opened, disposed of, referred, and proceeded upon, after the End of the said seven Days, in the Manner herein-before directed in Respect to the said former Lists: And the like Order and Course respectively as aforesaid shall be taken in each House of Parliament, until the said Numbers of twenty-six Members of the House of Lords, and

and in the same Period, like Lists of 40 Commoners to be delivered in, from which shall be selected 40 Members;

and forty Members of the House of Commons, shall have been returned to the said respective Houses, by the Committees to whom the said Lists shall be referred, exclusively of such of the Members so returned as shall be struck out of the said Lists according to the Directions of this Act.

Persons holding Offices under the Crown during Pleasure, &c. to be struck out of the Lists.

III. Provided always, and be it enacted, That if any of the Persons named in any of the Lists returned by the said respective Committees, shall appear to hold any civil Office of Profit under the Crown, during his Majesty's Pleasure, or to be, or to have been, a Commissioner for the Affairs of *India*, or to be, or to have been, a Director of the said Company, or to hold, or to have held, any Office or Employment in the Service of the said Company in *India*, the Names of all and every such Persons shall be struck out of the said Lists, by the Order of the said respective Houses of Parliament.

Mode of delivering in of Lists left to the Houses of Parliament, if that provided be found inconvenient.

IV. Provided also, and be it further enacted, That if the Delivery of the said Lists at the Tables of the respective Houses of Parliament, in the Manner directed by this Act, shall occasion any Interruption of other Business, or be found inconvenient in any other Respect, it shall be lawful for both or either of the said Houses, by their Order or Orders, to substitute such other Mode for the Delivery of such Lists as the said Houses shall respectively think fit, and that the said Lists shall, after the making of any such Order or Orders, be delivered according to the Tenor and Directions thereof respectively; any Thing herein-before contained to the contrary notwithstanding.

The Party accused may challenge thirteen Peers and twenty Commoners contained in the Lists, as the Names are drawn by Lot in the Presence of the Judges, according to the recited Act.

V. And be it further enacted, That the Names of the twenty-six Peers, and forty Members of the House of Commons, which shall have been so chosen by the said respective Houses of Parliament, or the Names of the twenty-six Peers, and forty Members of the House of Commons, which (in Case the said Lists of both or either of the said Houses shall happen to contain a greater Number of Members than as aforesaid, respectively) shall have been drawn by Lot, according to the Directions of the said former Act, or of such of them as shall personally appear at the Time and Place appointed, in the Manner by the said Act directed, shall be put into a Box, to be drawn by Lot, in the Presence of the Judges, to be appointed according to the Directions of the said recited Act, and of the Parties to the Information to be tried, or their Counsel or Agents: And the Person or Persons against whom the said Information shall have been exhibited, shall have the Liberty, as the said Names are drawn out, to make peremptory Challenges, to the Number of thirteen of the Peers, and twenty of the Members of the House of Commons, whose Names shall have been put into the said Box; and his Majesty's Attorney-General, or other Prosecutor, as the Case may happen, and also the Party or Parties against whom such Information shall have been exhibited as aforesaid, shall respectively have Power to make Challenges to any of the Names which shall be so drawn out, and to assign for Cause of Challenge any such Matter as, in the Opinion of the three Judges, or the Majority of them, shall appear, in their Discretion, sufficient to set aside the Person or Persons so challenged, for the Purpose of obtaining equal Justice: And the first five Names of the said Peers, and likewise the first seven Names of the said Members of the House of Commons, which being drawn out shall not be so challenged, or against whom no Challenge shall have been allowed, shall be returned by the said Judges to the Lord High Chancellor, or Lord Keeper, or Lords Commissioners for the Custody of the Great Seal of *Great-Britain*, who shall cause the said five Peers, and the said seven Members of the House of Commons, by their respective proper Names or Titles of Honor, together with the Names of the said three Judges, to be inserted in the Special Commission to be issued by Virtue of the said recited Act, and of this present Act; and the Persons who shall be so named and authorized in and by the said Commission, shall appear within ten Days, at the Time and Place to be appointed by the said three Judges, and shall then and there take the following Oath, before the Lord High Chancellor, or Lord Keeper, or Lords Commissioners of the Great Seal of *Great-Britain*, for the Time being, or any one of them:

Prosecutor may challenge the same Number.

The first five Peers, and the first seven Commoners, whose Names shall be drawn out, and not challenged to be, with the three Judges, appointed Special Commissioners.

Commissioners Oath.

I A. B. do swear, That, as a Commissioner appointed by his Majesty's Commission for the Trial of the Information now at Issue against C. D. *I will diligently attend such Trial, and that I will hear and determine the same to the best of my Judgment, according to the Evidence which shall be given.*

So help me GOD.

If Challenger reduce the Number to less than five Peers and seven Commoners, new Lists to be made out.

VI. And be it further enacted, That if, by Reason of the Challenges as aforesaid, the Number of Names so drawn out as aforesaid shall be reduced to less than five Peers and seven Members of the House of Commons respectively, then, and in such Case, the said three Judges shall forthwith certify the same to the Speakers of the respective Houses of Parliament, who shall lay the

the same before the said Houses respectively; and the said Houses shall respectively proceed, within any of the next seven Days on which the said Houses shall respectively sit for the Dispatch of Business, to choose, nominate, and appoint twenty-six Members of the House of Lords, and forty Members of the House of Commons, after the Manner and Course aforesaid, the Lists of which said respective Members so chosen and appointed, shall be transmitted to the Clerk of the Crown in his Majesty's High Court of Chancery, or his Deputy, and be inserted in a new Commission, to be issued in the Manner herein-before and in the said former Act directed: Provided always, That no Day on which the House of Commons shall have adjourned, for want of the Presence of a sufficient Number of Members to execute the Provisions of the several Acts passed in the tenth and eleventh Years of the Reign of his present Majesty, to regulate the Trials of controverted Elections or Returns of Members to serve in Parliament, shall be accounted one of the sitting Days of the said House, for any of the Purposes of this Act.

Power of the Commissioners.

VII. And be it further enacted, That the said special Commissioners to be appointed as aforesaid shall have full Power and Authority to hear and determine every such Information, and to pronounce Judgment thereon according to the Effect of the Judgment of the Common Law, upon Convictions had and obtained according to the Course of the Common Law, for Extortion, or other Misdemeanor, and also to declare the Party so convicted incapable of serving the King's Majesty, his Heirs or Successors, or the said United Company, in any Capacity whatever; and such Judgment so pronounced by the said Special Commissioners as aforesaid, upon such Information, shall be good and effectual, and shall be conclusive, to all Intents and Purposes; and no *Certiorari* shall be granted for removing the Proceedings of the said Special Commissioners, on such Information, into any Court whatever; and the Proceedings of the said Special Commissioners shall not be impeached, or the Validity thereof questioned, in any Action or Suit, or other Proceeding, in any Court of Law or Equity.

Ten Commissioners competent to act.

VIII. Provided always, and be it enacted, That all and every the Powers and Authorities given and granted by the said recited Act, and by this present Act, unto the said Special Commissioners, shall and may be executed by or before any ten or more of them (of whom one of the said three Judges shall always be one); and that no Act done or executed by or before the said Commissioners, unless ten or more of the said Commissioners (of whom one of the said three Judges shall be one) shall be present at the doing or executing thereof (save and except in the particular Cases herein-after specially provided), shall be valid or effectual; any Thing in the said former Act contained to the contrary notwithstanding.

Majority to determine and the President to have a casting Vote.

IX. Provided also, and be it further enacted, That whenever the said Special Commissioners shall not concur in Opinion, upon any Question or Matter to be decided by or before them, every such Question or Matter shall be determined by the greater Number of the said Commissioners who shall be then present, so that the Number of Commissioners then present be not less then ten as aforesaid; and if the said Commissioners shall at any Time be equally divided in Opinion, on any Question or Matter depending before them, the Judge then sitting as President shall have two Voices, or the casting Vote.

If by Death, or otherwise, the Number should be reduced under ten, a new Commission to be made out.

X. And be it further enacted, That if any of the said Special Commissioners shall depart this Life, or be excused from attending in the Manner by this Act directed, before the said Commission shall have been fully executed, so that there shall not be a sufficient Number of Commissioners to proceed in the due Execution of such Commission, according to the true Intent and Meaning of this Act; or if all the said three Judges shall happen to die, or be excused from attending in the Manner by this Act directed, whilst the said Commission shall be depending; then, and in either of such Cases, and from thenceforth, the said Commission, and the Force and Effect thereof, shall cease, and a new Commission shall be awarded for hearing the Matter of such Information, for which such former Commission was issued, and the Trial of such Information shall begin *de novo*; save only and except with Respect to the Examinations or Depositions of any Witnesses (if any) which shall have been taken in Writing under the said former Commission, which Examinations or Depositions shall and may be received and admitted as Evidence under such new Commission.

Commissioners to attend during the Whole Trial, unless absent by Leave.

XI. And be it further enacted, That the said Special Commissioners shall severally attend in Court during the Whole Trial for which they shall be appointed as aforesaid, and none of the said Commissioners shall in anywise absent himself from the same (except as hereafter is provided); and the said Court shall at no Time proceed in the said Trial until all the said Special Commissioners, not having obtained such Leave of Absence, or not having been excused as

If all do not meet, the Majority present may adjourn.

herein-after is provided, shall be met and assembled; and if the said Special Commissioners (except as aforesaid) shall not all meet and assemble within the Space of one Hour after the Time to which they shall have adjourned, such of them as shall be then present, or the major Part of them, shall make an Order for a further Adjournment of the Trial, in which Order the Cause of such further Adjournment shall be expressed, and a Copy of such Order, signed by the Register to the said Commissioners, shall be served upon, or left at the usual or last Place or Places of Abode of, the said absent Commissioner or Commissioners respectively; and at such further adjourned Meeting the Cause of his or their Absence shall be inquired into by the Special Commissioners who shall be then present, before the said Commissioners shall proceed to any other Business; and if it shall not be made appear, to the Satisfaction of the said Commissioners, by Facts specially stated, and verified before them upon Oath (or, in the Case of such Facts being verified by a Peer of the Realm, then upon his Honour) that such absent Commissioner or Commissioners was or were, by sudden Accident, or by Necessity, prevented from attending at the said former Sitting, it shall and may be lawful for the Special Commissioners then present, or the major Part of them, to pass such Censure upon such Commissioner or Commissioners who shall have been so absent, as they shall think fit, and also to impose upon such Commissioner or Commissioners respectively, for such Neglect of Duty, or upon any Commissioner or Commissioners who shall depart from the said Court during the Sitting, and before an Adjournment thereof, such Fine or Fines as the said Commissioners, or the greater Number of them then present, shall think fit, so that no such Fine shall exceed the Sum of five hundred Pounds; which Fine or Fines shall be forthwith estreated by one or more of the said three Judges, into the Court of Exchequer, and the like Process shall be awarded by the said Court of Exchequer, for levying the said Fine or Fines for his Majesty's Use, as is usually awarded for the levying of other Fines estreated into the said Court of Exchequer; and the said Special Commissioners shall also have full Power and Authority to order or declare, that any Commissioner or Commissioners, who shall be so censured, or on whom any such Fine or Fines shall be imposed, shall be disabled from acting in the further Execution of such Commission.

Cause of Absence to be inquired into.

Absentees may be censured or fined, and disabled from acting.

How Fines are to be levied.

Leave of Absence may be granted to Commissioners, but being absent during Part of Trial, are not again to sit.

XII. Provided always, and be it further enacted, That it shall and may be lawful for the said Commissioners, or the greater Number of them, to grant Leave of Absence to any of the said Commissioners, upon Proof, to their Satisfaction, of Sickness or other urgent Occasion; and such of the said Commissioners who shall obtain Leave of Absence as aforesaid, and shall accordingly be absent during any Part of such Trial, shall be no longer capable of acting under such Commission; any Thing contained in the said former Act, or in this Act, to the contrary notwithstanding.

During a Trial the Commissioners not to adjourn for more than 24 Hours, except on Occasions herein specified.

XIII. Provided also, and be it further enacted, That, after the Trial of any Information shall have commenced and been begun by and before the said Special Commissioners, the said Commissioners shall sit every Day, *Sunday*, *Christmas-day*, and *Good Friday*, only excepted; and the said Commissioners shall never adjourn for a longer Time than twenty-four Hours, unless a *Sunday*, *Christmas-day*, or *Good Friday*, shall happen to intervene, in which Case their Adjournment shall not exceed twenty-four Hours, exclusive of such *Sunday*, *Christmas-day*, or *Good Friday*: Provided also, That if the Number of the said Special Commissioners capable of acting in the Execution of such Commission, according to the Directions of this Act, shall, by Death or otherwise, be reduced to ten, and any of such ten Commissioners shall be prevented by sudden Accident, or by Necessity, from attending such Trial, the said other Commissioners, or the greater Number of them, shall and may, at their Discretion, adjourn and suspend the Proceedings upon such Trial, from Time to Time, as Circumstances may require, so that any such Adjournment shall not exceed three Days, and the Number of such successive Adjournments shall not, in the Whole, exceed ten Adjournments; any thing herein-before contained to the contrary notwithstanding.

Commissioners may appoint Clerks, &c. who may be removed, &c.

XIV. And be it further enacted, That it shall and may be lawful to and for the said Special Commissioners to constitute and appoint such Clerks, Tipstaffs, Messengers, and other Officers, to attend upon them in the Execution of their said Commission, and to do and perform all such Matters and Things as shall be ordered or given to them in charge by the said Commissioners, as the said Commissioners shall think fit; and such several Clerks and other Officers shall be diligently attendant upon, and subject and obedient to the said Commissioners, and may be suspended, removed, or discharged, or be punished by Fine or Fines, to be imposed by the said Commissioners, for any Neglect of Duty or Disobedience, at the Discretion of the said Commissioners; which Fines shall be estreated into his Majesty's Court of Exchequer, by one or more of the said three Judges, and shall and may be levied and recovered, for his

Majesty's Use, by the Process of the said Court; and all and every of such Clerks and other Officers shall be paid, by the Parties Informant or Informants, and Defendant or Defendants, named in such Information, the same or the like Fees and Allowances as the respective Officers attendant upon his Majesty's Court of King's Bench, upon Trials of Informations for Misdemeanors prosecuted in the said Court, are entitled to receive from the Parties thereto respectively, according to the Stations and Duties of such Officers respectively.

How Clerks, &c. are to be paid.

Court of King's Bench may issue out Warrants for apprehending Persons accused of Extortion, &c. in the East-Indies.

XV. And be it further enacted, That whenever an Information shall be exhibited in the said Court of King's Bench, against any Person or Persons, for the Crime of Extortion, or other Misdemeanor, committed in the *East-Indies*, in every such Case, upon a Certificate from the Coroner and Attorney of our Lord the King, (commonly called *the Clerk of the Crown* in the Court of King's Bench, or *the Master of the Crown Office* in the said Court), or any or either of his sworn Clerks in the said Office, that such Information hath been filed, (which Information, in Case the same shall be filed when the Court of King's Bench shall not be sitting, shall be considered as filed on the last Day of the preceding Term), it shall and may be lawful to and for the Lord Chief Justice, or any of the other Judges of the said Court, at the Instance of such Prosecutor or Prosecutors, to issue his Warrant, under his Hand and Seal, directed to all Sheriffs, Mayors, Bailiffs, Constables, and other Peace Officers, and to such other Person or Persons as shall be named for that Purpose by such Prosecutor or Prosecutors, for apprehending and attaching the Party or Parties, Defendant or Defendants to such Information; and if such Party or Parties shall escape or go into, reside, or be in any Place within that Part of *Great-Britain* called *Scotland*, it shall and may be lawful for the Sheriff or Steward Depute or Substitute, or any Justice of the Peace of the County or Place into which such Party or Parties shall escape or go, or in which he or they shall reside or be, to indorse his Name on the said Warrant; which Warrant so indorsed shall be a sufficient Authority to all Persons to whom such Warrant was originally directed, and also to all Sheriffs' Officers, Stewards' Officers, Constables, and other Peace Officers of the said County or Place, by the Sheriff, Steward Depute or Substitute, or Justice of the Peace whereof such Warrant shall be so indorsed, to execute the said Warrant in the same County or Place, by apprehending the Party or Parties against whom such Warrant shall have been granted, and to convey and bring such Party or Parties in safe Custody before the said Court of King's Bench, or before the Lord Chief Justice or any of the Judges of the said Court, to be further dealt with according to the Directions of the said former Act, and this present Act.

Parties informed against to be committed, or to find Bail.

XVI. And be it further enacted, That it shall and may be lawful to and for the Party or Parties against whom any such Information shall be exhibited as aforesaid, (not being attached), to surrender himself or themselves in the said Court of King's Bench at any Time during the sitting of the said Court, to be dealt with according to the Directions of the said former Act, and this present Act, or if the said Court shall not be sitting, unto the said Lord Chief Justice, or any other of the Judges of the said Court, and that when and so often as any such Party or Parties shall surrender himself or themselves out of Court as aforesaid, or shall, during any Vacation, or when the said Court shall not be sitting, be attached and brought before the said Lord Chief Justice, or other Judge, under any Warrant or Attachment issued by Virtue of the said former Act or this present Act, the said Lord Chief Justice, or other Judge, shall and may order such Party or Parties to stand committed to the Prison of the *Marshalsea*, or to the Tower of *London*, or to the Gaol of *Newgate*, at the Discretion of the said Lord Chief Justice, or other Judge, there to be detained until he or they shall be delivered by due Course of Law, or until he or they, together with two sufficient Sureties, shall have entered into a Recognizance unto the King's Majesty, his Heirs and Successors, in such Sum of Money, and with such Condition for his Appearance, and for submitting to the Judgement to be pronounced in and upon such Information, as the said Lord Chief Justice, or other Judge, shall, in his Discretion, order and direct. Provided always, That it shall and may be lawful for the said Commissioners to order any Person in Custody, under the Provisions of this Act, to be from Time to Time brought up and remanded in such Manner as to the said Commissioners shall seem meet.

Mode of Proceeding when Parties abscond.

XVII. And be it further enacted, That when and so often as any Party or Parties, against whom any such Information as aforesaid shall be exhibited, shall not be attached, or shall not have surrendered as aforesaid, and Proof shall be made, by any Affidavit or Affidavits, to the Satisfaction of the said Court of King's Bench, that such Party or Parties is or are beyond the Seas, or that, upon Inquiry at his or their usual Place or Places of Abode, or last known Place or Places of Residence in *Great-Britain*, he or they could not be found, and that there is just ground to believe that such Party or Parties is or are gone, or doth or do continue out of the Realm, or doth or do otherwise abscond, to avoid being attached to answer the Matters charged in and by such

Information; then, and in such Case, the said Court shall and may make a Rule or Order, directing and appointing such Party or Parties to surrender himself or themselves in the said Court, or to the Lord Chief Justice, or one of the other Judges of the said Court, at a certain Day in and by such Rule or Order to be limited and expressed, at the Discretion of the said Court; and a Copy of such Rule or Order shall, within twenty Days after the making thereof, be inserted three several Times in the *London Gazette*; and another Copy of such Rule or Order shall, within the Time aforesaid, be affixed in some conspicuous and public Place in the *India-House*: And if the said Party or Parties shall not surrender himself or themselves respectively, according to the Tenor of such Rule or Order, within the Time therein to be limited for that Purpose, or within such further Time as the said Court shall appoint or direct (which the said Court is hereby empowered to do, on Application being made on the Behalf of such Party or Parties, if the said Court shall see Cause), then, on Proof being made of the Publication of such Rule or Order in Manner aforesaid, it shall and may be lawful for his Majesty's Attorney-General, or other Prosecutor, by Rule and Leave of the said Court (which Rule and Leave the said Court is hereby empowered to grant) to cause an Appearance, and the Plea of not guilty, to be entered for such Party or Parties charged by the said Information; and the said Information shall thereupon proceed as if the Party or Parties had appeared and pleaded not guilty thereto.

Notice of Trial to be given.

XVIII. Provided always, and be it further enacted, That in all Cases where the Plea of not guilty shall be entered for the Party or Parties, Defendant or Defendants to any Information, by the Prosecutor or Prosecutors thereof, by Virtue and according to the Directions of this Act, it shall be sufficient, in Order to the hearing and determining of such Information, for such Prosecutor or Prosecutors to give fourteen Days Notice of the Day appointed for the Trial thereof, by Advertisement in the *London Gazette*, any Law, Usage, or Practice, to the contrary notwithstanding.

Judgment to be pronounced by the Commissioners, though the Parties do not appear.

XIX. And be it further enacted, That if any Party or Parties charged by any such Information as aforesaid, shall make Default in his or their personal Appearance, at the pronouncing of Judgment, in the Matter of such Information, by and before the said Special Commissioners; it nevertheless shall and may be lawful for the said Commissioners to pronounce Judgment upon such Information, in the same Manner as if the said Party or Parties was or were personally present; and every such Judgment shall be as valid, effectual, and conclusive, to all Intents and Purposes whatever, as if the said Party or Parties had been personally present at the pronouncing thereof; any Law or Usage to the contrary notwithstanding.

Parties during Trial may be committed.

XX. And be it further enacted, That whenever the Party or Parties charged by any such Information shall personally appear before the said Special Commissioners, on the Hearing or Trial thereof, it shall and may be lawful to and for the said Special Commissioners, at any Time during the Course of such Trial, to order such Party or Parties to stand committed to the Prison of the *Marshalsea*, or to the Tower of *London*, or to the Gaol of *Newgate*, at the Discretion of the said Special Commissioners, there to be detained until Judgment shall be pronounced in the Matter of the said Information, unless he or they shall be previously delivered or discharged by the Rule or Order of the said Commissioners.

Disturbers of the Court may also be committed.

XXI. And be it further enacted, That if any Person or Persons shall be guilty of any Contempt or Disturbance in the Court of the said Commissioners, during the Sitting of the Court, it shall and may be lawful to and for the said Commissioners to order such Person or Persons to be taken into Custody, by any Officer or Officers to be appointed by the said Commissioners to attend the said Court, and to stand committed to the Prison of the *Marshalsea*, or the Gaol of *Newgate*, at their Discretion, to be there kept for such Time as the said Commissioners shall order and direct.

Judgments of the Commissioners to be executed by the Court of King's Bench, and to be final.

XXII. And be it further enacted, That the Judgments which shall be made and pronounced by the said Special Commissioners, according to the Directions, and under the Authority of the said recited Act, and this present Act, shall, when and so soon as the said Judgments and other Proceedings shall have been delivered over, by the Register to the said Commissioners, to the Clerk of the Crown in the said Court of King's Bench, (otherwise called *the Coroner and Attorney of our Lord the King*, or *the Master of the Crown Office* in the said Court), in the Manner directed by the said former Act, be executed and enforced by the Authority of the said Court of King's Bench, and such proceedings to Outlawry, and other proceedings against the several and respective Defendants thereto, shall and may be had thereon, in the like Manner as, according to the Course and Practice of the said Court, may be had upon Judgment made and pronounced by the said Court; and the Judgments of the said Special Commissioners shall be final and conclusive, to all Intents and Purposes whatever, and shall not be arrested, defeated, reversed, or avoided, or liable

liable to be arrested, defeated, reversed, or avoided, for or by Reason or Means of any Error, Defect, or Want of Form in any such Judgment, or in the Information whereon the same shall be given or pronounced, or in the Award of any Process thereon, or in the Record of the Issue for the Trial thereof; any Law, Statute, or Usage to the contrary notwithstanding.

This, or the recited Act, not to deprive Persons of any Right they are entitled to by Law, &c.

XXIII. Provided always, and be it further enacted and declared, That nothing in the said recited Act, or in this present Act contained, shall extend, or be construed to extend, to deprive the Prosecutor or Prosecutors of any such Information as aforesaid, or the Party or Parties, Defendant or Defendants thereto, of any Right, Liberty, Benefit, or Advantage, to which, by the Law of the Land, or the Rules of Practice of the Court of King's Bench, such Prosecutor or Prosecutors, Defendant or Defendants, is or are, or would, could, or might have been intitled, upon any other Information of a like Nature, depending in the said Court of King's Bench, before Issue in Fact joined therein; nor to prevent or restrict the said Court of King's Bench from exercising any such Power or Authority as would, could, or might have been legally exercised by the said Court of King's Bench, in the Matter of any such Information, before Issue in Fact joined therein, if the said former Act, or this present Act, had not been made; any Thing in the said former Act, or this present Act, contained to the contrary notwithstanding.

Mode of Proceeding where Demurrers are entered.

XXIV. Provided also, and be it further enacted, That if the Party or Parties charged by any such Information as aforesaid, shall enter a Demurrer to such Information, and such Demurrer shall be over-ruled by the said Court of King's Bench, such Party or Parties shall, within eight Days next after the said Court shall have given Judgment on such Demurrer, unless a Writ of Error shall be brought thereon, and then within eight Days next after such Judgment shall be affirmed, or such Writ of Error shall be nonprossed, enter the Plea of not guilty to such Information, or, in Default thereof, the said Plea of not guilty shall and may be entered, for and in the Name or Names of such Party or Parties, by his Majesty's Attorney-General, or other Prosecutor; and the said Information shall proceed in the like Manner as if no Demurrer had been entered thereto; any Law, or the Usage or Practice of the said Court, to the contrary notwithstanding.

Informations may be determined in the Court of King's Bench.

XXV. Provided also, and be it further enacted and declared, That if his Majesty's Attorney-General, or other Prosecutor or Prosecutors of any such Information, shall be desirous of having the same proceeded in, tried, and determined in the said Court of King's Bench, and shall move the said Court for that Purpose, then, and in every such Case, the said Court shall grant a Rule or Order for retaining such Information in the said Court, and the said Information shall be accordingly retained by the said Court of King's Bench, and shall be heard, tried, adjudged, and determined by the said Court of King's Bench, in such and the same Manner, to all Intents and Purposes, as an Information of the like Nature would, could, or might have been proceeded in, heard, tried, and determined, in and by the said Court, in Case the said former Act or this present Act had not been made; any Thing in the said former Act or this present Act contained to the contrary notwithstanding.

How Fines, &c. are to be recovered.

XXVI. And be it further enacted, That whenever the Party or Parties, against whom any such Information shall have been exhibited as aforesaid, shall be adjudged to pay a Fine or Fines to his Majesty, his Heirs or Successors; and also whenever any Recognizance or Recognizances entered into under the said former Act or this present Act, shall become forfeited, the said Court of King's Bench, or, in Case the said Court shall not be then sitting, the Lord Chief Justice of the same Court, shall and may forthwith, at the Instance of his Majesty's Attorney-General, or other Prosecutor, deliver to the Lord Chief Baron, or any other of the Barons of the Court of Exchequer, an Estreat of the Fine or Fines, Recognizance or Recognizances, so adjudged or become forfeited respectively as aforesaid; and the said Lord Chief Baron, or other of the said Barons, shall thereupon, at the Requisition of the said Attorney-General, or other Prosecutor, authorize and direct the proper Officer of the same Court to award, and such Officer shall accordingly forthwith award, under the Seal of the same Court, one or more special Writ or Writs of *extendi Facias* and *Capias*, or other special Process, against the said Party or Parties adjudged to pay such Fine or Fines, or the Principal or Principals, and Sureties, in such Recognizance or Recognizances respectively, and their Lands, Tenements, and Hereditaments, Goods, Chattels, and Effects, directed into such County or Counties, Cities, Places, or Liberties, to the proper Sheriffs, or other Officers of the same respectively, for the due Execution thereof, as the said Attorney-General, or other Prosecutor, shall desire or require in that Behalf; and if such Party or Parties, or such Principal or Principals, and Sureties, or any of them, shall have, or be seized or possessed of, or entitled to, any Lands, Tenements, or Hereditaments, Goods, Chattels, Estate, or Effects, situate, lying, or being, within that Part of *Great-Britain* called *Scotland*, or shall be resident in that Part of the said United Kingdom,

then, and in either of such Cases, his Majesty's Court of Exchequer in *Scotland*, or, when the said Court shall not be sitting, the Lord Chief Baron, or any other of the Barons of the said Court of Exchequer in *Scotland*, upon a Copy or Transcript of the Estreat of such Fine or Fines, Recognizance or Recognizances, being sent or transmitted into the same Court, or delivered to the said Lord Chief Baron, or any other of the Barons of the same Court, from and under the Seal of the Court of Exchequer in *England*, or under the Hand and Seal of the Lord Chief Baron, or any other of the Barons thereof, (and which Copy or Transcript the said Court of Exchequer in *England*, or, when the said Court shall not be sitting, the Lord Chief Baron, or any other of the Barons of the same Court, is and are hereby required, at the Instance of his Majesty's Attorney-General, or other Prosecutor, to send and transmit accordingly), shall and may forthwith, at the Instance of the said Attorney-General, or other Prosecutor, carry on such Proceedings, and award such and the like Process and Processes as is and are competent by the Law of that Part of *Great-Britain* called *Scotland*, for Recovery of Debts due to the Crown.

Mode of recovering Fines from Property in the East-Indies, when the Effects in Britain are insufficient.

XXVII. And be it further enacted, That if it shall at any Time be made to appear, to the Satisfaction of the said Court of Exchequer in *England*, at the Instance of his Majesty's Attorney-General, or other Prosecutor, by Motion in the said Court on his or their Behalf, that such Party or Parties, Principal or Principals, or Sureties, as aforesaid, or any of them, have no Lands, Tenements, or other Estate or Effects in *Great-Britain*, or that the same (if any) are not sufficient to answer the Sum or Sums forfeited by such Recognizance or Recognizances, or due for such Fine or Fines, respectively, and that such Party or Parties, Principal or Principals, or Sureties, or any of them, shall have, or be seized or possessed of, or entitled to, any Lands, Tenements, or Hereditaments, Goods, Chattels, Debts, Estate, or Effects, within any of the *British* Possessions in the *East-Indies*, respectively, (the said Sum or Sums, Fine or Fines, not being paid and satisfied), then, and in every such Case, the said Court of Exchequer shall and may, by Rule or Order of the said Court, cause one or more Transcript or Transcripts of the Estreats of the said Recognizance or Recognizances, Fine or Fines, to be sealed with the Seal of the said Court, or to be otherwise attested, as the said Court shall direct, and the same, so sealed or attested, shall be closed up under the Seals of any two of the Barons of the said Court, directed to the Supreme Court of Judicature in *Bengal*, and to the Mayor's Courts at *Madras* and *Bombay*, or to any or either of the said Courts, as the Case shall or may require; and the same shall be delivered by the said Barons, or one of them, to such Agent or Agents as the Prosecutor or Prosecutors shall nominate or appoint for that Purpose; which Agent or Agents (or, in the Case of his or their Death, the Person into whose Hands the same shall come), shall deliver such Transcript or Transcripts to one of the Judges of the said Supreme Court, or Mayor's Courts, respectively, as the Case may be or require, and make Oath that he or they did receive the same from the Hands of one of the said Barons (or in what other Manner the same came into his or their Hands), and that the same hath not, or have not, been opened or altered since he or they so respectively received the same, (which Oath any of the said Judges of any of the said Courts in *India* are hereby authorized and required to administer); and thereupon such Transcript or Transcripts shall be filed and recorded in such of the said Courts in *India* to which the same shall be so directed, as the Case may require; and, upon Motion to be made in such Courts or Court for that Purpose, for and on the Behalf of such Prosecutor or Prosecutors, the like Process and Proceedings shall and may, from Time to Time, be awarded and had, by and in the said Supreme Court of Judicature, and the said Mayor's Courts at *Madras* and *Bombay*, respectively, or any or either of them, against the Lands, Tenements, or Hereditaments, Goods, Chattels, Debts, Estate, and Effects of the said Party or Parties, Principal or Principals, and Sureties, within the Limits of the Jurisdictions of such respective Courts in the *East-Indies*, as might or could have been awarded or had in the said Court of Exchequer in *England*, against the Lands, Tenements, Hereditaments, Goods, Chattels, Debts, Estates, and Effects of the same Party or Parties, Principal or Principals, or Sureties in *England*; and the same shall be valid and effectual, any Law, Usage, or Custom to the contrary notwithstanding.

Recital of Act 24 Geo. 3. c. 25. s. 88.

XXVIII. And whereas it is by the said recited Act enacted, That in all Cases of Informations laid or exhibited, by Virtue of the said Act, in the Court of King's Bench, for Misdemeanors or Offences committed in *India*, it shall be lawful for the said Court to award a Writ or Writs of *Mandamus* to the Chief Justice and Judges of the Supreme Court of *Fort William*, or the Judges of the Mayor's Court of any of the *British* Settlements in *India*, as the Case may require, who are thereby respectively authorized and required accordingly to hold a Court for the Examination of Witnesses, and receiving other Proofs concerning the Matters charged in such

such Informations respectively, and that such Examination shall be then and there openly taken, and reduced into Writing, in Manner therein mentioned, and sent to his Majesty, in his Court of King's Bench, closed up, and under the Seals of two or more of the Judges of the said Supreme Court, and that one or more of the Judges of the said Supreme Court shall deliver the same to the Agent or Agents of the Party or Parties requiring the same, which said Agent or Agents (or, in Case of his or their Death, the Person into whose Hands the same shall come) shall deliver the same to one of the Clerks in Court of his Majesty's Court of King's Bench, in the Public Office, and make Oath that he received the same from the Hands of one or more of the Judges of such Court in *India* (or in what Manner the same came into his Hands), and that the same hath not been opened or altered since he so received the same: And whereas a Doubt may arise, whether such Examinations as may be taken by the Judges of the Mayor's Court in any of the *British* Settlements in *India*, by Force and Virtue of the said Act, may be lawfully sent closed up, under the Seals of the same Judges, and whether any one or more of the same Judges is or are impowered to deliver the same to the Agent or Agents of the Party requiring the same; be it therefore enacted, That every Examination which shall or may be had or taken by the Judges of the Mayor's Court of any of the *British* Settlements in *India*, by Force and Virtue of the said Act (being reduced into Writing, as in the said Act is directed or mentioned) shall be sent to his Majesty, in his Court of King's Bench, closed up, and under the Seals of two or more of the Judges of the Mayor's Court of any of the *British* Settlements in *India*, and one or more of the Judges of the same Court shall deliver the same to the Agent or Agents of the Party or Parties requiring the same; which said Agent or Agents (or, in Case of his or their Death, the Person into whose Hands the same shall come) shall deliver the same to one of the Clerks of his Majesty's Court of King's Bench, in the Public Office, and make such or the like Oath as is in and by the said Act directed and prescribed; any Thing in the said Act contained to the contrary notwithstanding.

Examinations in India to be sealed up and given to the Agents of the Parties, to be delivered to the Clerks of the King's Bench.

Persons resident in India amenable to the Courts there.

See 24 Geo. 3. Sess. 1. c. 25. s. 44.

XXIX. And be it further enacted, That as well the Servants of the said United Company, as all other of his Majesty's Subjects resident or to be resident in *India*, shall be, and are hereby declared to be amenable to the Courts of Oyer and Terminer and Gaol Delivery, and Courts of General or Quarter Sessions of the Peace, in any of the *British* Settlements in *India*, for all Murders, Felonies, Homicides, Manslaughters, Burglaries, Rapes of Women, Perjuries, Confederacies, Riots, Routes, Retainings, Oppressions, Trespasses, Wrongs, and other Misdemeanors, Offences, and Injuries whatsoever, by them done, committed, or perpetrated, or to be by them hereafter done, committed, or perpetrated, in any of the Countries or Parts of *Asia*, *Africa*, or *America*, beyond the *Cape of Good Hope*, to the *Streights of Magellan*, within the Limits of the exclusive Trade of the said United Company, whether the same shall have been done, committed, or perpetrated, or shall hereafter be done, committed, or perpetrated, against any of his Majesty's Subjects, or against any other Person or Persons whatever.

Governor, &c. of Fort Saint George, &c. to have Jurisdiction in all Matters civil and criminal.

XXX. And be it further enacted and declared, That the Governor or President and Council of *Fort Saint George*, for the Time being, in their Courts of Oyer and Terminer and Gaol Delivery, and Quarter or General Sessions of the Peace, and also the Mayor's Court at *Madras*, according to their several and respective Judicatures, shall have Cognizance and Jurisdiction, as well Civil as Criminal, over all *British* Subjects whatsoever, who now reside or shall hereafter reside within any of the Forts, Factories, Towns, Lands, or Territories, in the Possession of the said United Company, on the Coast of *Coromandel*, or in any other Part of the *Carnatic*, or in the five northern Circars, including those Parts of the said Circars which lie within the Kingdom or Province of *Oriza*, or within any of the Dominions or Territories of the Souhah of the *Deckan*, the Nabob of *Arcot*, or the Rajah of *Tanjore*.

So much of recited Act as relates to delivery of Inventories of Effects, &c. repealed.

XXXI. And be it further enacted, That so much of the said recited Act as requires or directs any Person or Persons now being, or who may hereafter be, in the Service of the said United Company in *India*, to deliver any Particular or Inventory of his or their Lands, Tenements, Goods, Chattels, Debts, Securities for Money, and other real and personal Estate and Property, or as subjects any such Person or Persons to any Pain, Penalty, or Forfeiture for any Neglect or Omission therein, or for any untrue Specification of his or their Estates or Properties, or as directs any Allowance or Reward to be made or given to any Person making Discovery of any Estate or Property concealed, or not specified, disclosed, or described, by any such Particular or Inventory as aforesaid, shall be, and the same is hereby repealed.

From Jan. 1, 1787, Offences against the Laws for securing the East-India Trade may be tried in the East-Indies.

XXXII. And whereas sundry Acts of Parliament have been heretofore made, and are now in Force, for securing the whole, sole, and exclusive Trade in, to, and from the *East-Indies*, and all Places between the *Cape of Good Hope* and the *Streights of Magellan*, to the said United Company,

Company, by which said Acts, or some of them, the Offenders against the same are made subject and liable to divers Punishments, Forfeitures, and Penalties, in the said Acts respectively mentioned, which Offences may be prosecuted, and the said Forfeitures and Penalties sued for and recovered, in some or one of his Majesty's Courts of Record at *Westminster*: And whereas it may be necessary and proper, in certain Cases, that the said Offences should be prosecuted, and the said Forfeitures and Penalties sued for and recovered, in the Courts of Justice in the *East-Indies*: Be it therefore enacted, That all Offences which shall be committed after the first Day of *January*, one thousand seven hundred and eighty-seven, against any Law now in Force for securing the exclusive Trade in, to, and from the *East-Indies*, and Places aforesaid, to the said United Company, and all Forfeitures and Penalties to be incurred after the said first Day of *January*, one thousand seven hundred and eighty-seven, for illicitly trading or for being in the *East-Indies*, or doing any other Act against the said Laws or Statutes, or any of them, shall and may be prosecuted, sued for, and recovered in the Supreme Court of Judicature at *Fort William* in *Bengal*, or in the respective Mayor's Courts of *Fort Saint George* and *Bombay*, in like Manner as the same can or may be prosecuted, sued for, and recovered in any of his Majesty's Courts of Record at *Westminster*; and it shall and may be lawful for the said respective Courts in the *East-Indies* to pass and give the like Judgment, in such Prosecutions, Actions, and Suits, as might be passed and given, for the like Matter, Cause, or Thing, in any of his Majesty's Courts of Record at *Westminster*, and to carry such Judgments into Execution, and to order any Offender or Offenders, after Conviction for any such Offence, to be sent and conveyed to *Great-Britain*; any Thing contained in any of the said Acts to the contrary notwithstanding.

Causes of Seizure may be determined in the East-Indies.

XXXIII. And be it further enacted, That when any Ship, Vessel, Goods, Merchandize, or other Effects, shall be seized in the *East-Indies*, or other Parts within the Limits of the said Company's exclusive Trade, under the Authority or for the Use of the said United Company, for or by Reason of any Forfeiture incurred, or suggested to have been incurred, by the Owner or Owners thereof, under any of the Laws or Statutes aforesaid, it shall and may be lawful to and for the said Supreme Court, or either of the said Mayor's Courts, to hear and determine the Cause of such Seizure, or any Matter of Complaint concerning the same, and to proceed to Condemnation or Restoration of the Property and Effects so seized, and to give Judgment thereon, and to carry such Judgment into Execution, in like Manner as his Majesty's Court of Exchequer could or might have done, if such Seizure had been made in any Port or Place in *England*; any Law or Statute to the contrary notwithstanding.

Persons whose Licenses have expired, subject to the Penalties of unlicensed Persons.

XXXIV. And whereas Doubts have arisen, whether such Persons resident within the Limits of the said Company's exclusive Trade, whose Licenses shall have expired, or who shall have ceased to be employed in the Service of the said Company, are subject to the several Regulations Provisions, Penalties, and Forfeitures, by any Act or Acts of Parliament made or imposed touching such Persons as shall go to, traffic, trade, or adventure in, or be, or be found within the Limits aforesaid, contrary to the Prohibitions and Restrictions in the said several Acts contained; be it enacted by the Authority aforesaid, That all and every Person and Persons whose License or Licenses to go to, or trade, traffic, or reside within the Limits aforesaid, shall have ceased and determined, or who shall have been dismissed from, or resigned the said Company's Service, and shall be found within the Limits aforesaid after such Time as shall be allowed by the Governor and Council of the respective Presidencies in *India* wherein such Person or Persons shall be found, shall be deemed and taken, to all Intents and Purposes, to be subject to all the Provisions, Regulations, Penalties and Forfeitures, by any Act or Acts made or imposed upon any Person or Persons who shall repair, sail, or go to, or traffic, trade, or adventure in, or be or be found in any Place within the Limits aforesaid, without License having been obtained from the said Company, or without having been in the said Company's Service.

Powers of seizing, &c. unlicensed Persons and Ships, may be exercised by the Governor, &c. of Bengal, &c.

XXXV. And be it further enacted, That the Powers and Authorities in and by the said Acts, and every or any of them, given, granted, or provided, for taking, arresting, seizing, remitting, sending, or bringing to *England*, any Person or Persons being in the *East-Indies*, or in the Limits or Parts aforesaid, contrary to the Provisions of the said Acts, or of this Act, and for seizing any Ships, Vessels, Goods, or Effects, made liable to seizure by the said Company by any Law now in Force, shall and may be enforced and put in Execution by, or by the Order and Authority of the Governor-General and Council of *Bengal*, or the President and Council of *Fort Saint George* and *Bombay*, respectively, or by any Resident at any other of the *British* Settlements in the *East-Indies*, for the Time being, respectively, or by, or by the Order and Authority of the Company's Council of Supercargoes for the Time being, at the Town or Factory of *Canton*, within the said Town or Factory, and upon the River of *Canton*, and by such other Person or Persons as shall, from

from Time to Time, be specially deputed and authorized for that Purpose by the Court of Directors of the said Company for the Time being, in the Name of the said Company.

Persons to whom Notice to remove has not been given, may continue in the Indies till Jan. 1, 1788.

XXXVI. Provided always, nevertheless, and be it enacted and declared, That no Person now being in the *East-Indies*, or other Parts within the Limits of the Company's exclusive Trade, and who shall not have had Notice given to him, by the Order or Authority of the said Court of Directors, or by the Governor-General and Council of *Fort William*, or the Governor or President and Council of *Fort Saint George* or *Bombay*, before the passing of this Act, to remove or withdraw himself from the said Parts and Limits, shall, before the first Day of *January*, one thousand seven hundred and eighty-eight, be liable to be arrested, seized, or brought to *England*, under the Authority of this Act, on Account of his going to, or trading, trafficking, residing, or being found in the *East-Indies*, or Parts aforesaid, without License or other lawful Authority in that Behalf; to the Intent that every such Person may have a reasonable Time to settle and adjust his private Affairs; any Thing in this Act, or in any other Act, contained to the contrary notwithstanding: Provided also, That it shall and may be lawful to and for the Governor-General and Council of *Fort William*, and the Governor and Council of *Fort Saint George* and *Bombay*, and the Resident at *Fort Marlborough*, within their respective Presidencies or Limits, to grant Licenses, in their Discretion respectively, under their Hands and Seals, to any of his Majesty's Subjects now resident in the Presidencies or Places aforesaid, for permitting such Subjects respectively, or any of them, to remain and continue to trade or reside within the said Presidencies, or other Places aforesaid, (such Person or Persons not being, by Reason of his or their holding any Office or Employment, Offices or Employments, or in any other Manner, disabled or prohibited from trading in the *East-Indies*, or Parts aforesaid, by any Act or Acts now in Force), for any Term not exceeding two Years, to be computed from the first Day of *January*, one thousand seven hundred and eighty-seven, the Persons receiving such Licenses first entering into the like Covenants as are usually entered into by Persons licensed by the said Company, or such other reasonable Covenants as shall be directed by the Court of Directors of the said Company for the Time being; and that all and every of such Licenses shall be of the same Force and Effect, during the Term for which the same shall be so lawfully granted (unless the same shall be sooner revoked by the said Court of Directors, or by the Governors and Councils of the said respective Presidencies in *India*, who are hereby authorized, in their Discretion, to revoke and determine the same), as if such Licenses had been granted under the Seal of the said Company; any Thing in this Act, or in any former Act, contained to the contrary notwithstanding.

Governors, &c. may grant Licenses for two Years from Jan. 1, 1787.

General Issue.

XXXVII. And be it further enacted, That if any Suit or Action shall be brought or commenced against the said Company, or any of their Servants, or against any Persons acting by their Authority, for the Recovery of any Costs or Damages for the unlawful taking, arresting, seizing, imprisoning, sending, or bringing to *England*, of any Person or Persons found in the *East-Indies*, or other Parts aforesaid, within the Limits of the said Company's exclusive Trade, or as not being authorized to reside or traffic there, the Defendant or Defendants to such Suit or Action shall and may plead the General Issue, and give the special Matter in Evidence, for his or their Defence; and the Proof shall lie on the Plaintiff or Plaintiffs, upon the Trial of the Issue, to shew that at the Time or Times of arresting or seizing such Person or Persons respectively, for the Cause aforesaid, in the Manner in which the same shall be laid or charged to have been done, in and by the Declaration or Declarations in such Suits or Actions, the Person or Persons so arrested or seized was or were in the military or marine Service of the King's Majesty, his Heirs or Successors, or was or were under Covenant to serve the said Company in *India*, or was or were duly possessed of a License or Licenses in Writing, authorizing him or them to go to or reside and traffic in *India*, or other the said Parts and Limits, or that the Person or Persons (not being in his Majesty's Service) was or were, at the Time or Times of his or their being so seized or arrested, intitled or authorized, by the Stipulations of such Covenants or Licenses respectively, to remain and continue in *India*, or other the Parts and Limits aforesaid; and in failure of such Proof, the Plaintiff or Plaintiffs shall become nonsuited, and in such Case, or in any other Case wherein the Plaintiff or Plaintiffs in any such Suit or Action shall become nonsuited, or wherein Judgment shall be given against such Plaintiff or Plaintiffs upon Demurrer, or where a Verdict shall pass for the Defendant or Defendants, the Defendant or Defendants shall have treble Costs awarded, to be paid by the respective Plaintiff or Plaintiffs in such Suit or Action; any Law, Statute, or Provision, to the contrary notwithstanding.

Treble Costs.

Bonds executed in the East-Indies shall be Evidence in Britain, and contrariwise, on Proof of the Hand Writing of the Parties.

XXXVIII. And whereas great Difficulties, Expense, and Delay, often arise in giving Proof in *Great-Britain* of the Execution of Bonds, and other Deeds and Writings, executed and witnessed by Persons resident in the *East-Indies*, and the like Difficulties, Expense, and Delay, also

also arise in giving Proof in the *East-Indies*, of the Execution of Bonds, and other Deeds and Writings, executed and witnessed by Persons resident in *Great-Britain*; for Remedy thereof, be it enacted, That whenever any Bond, or other Deed or Writing, executed in the *East-Indies*, and attested by any Person or Persons resident there, shall be offered in Evidence in any of the Courts of Justice in *Great-Britain*, it shall be sufficient to prove, by one or more credible Witness or Witnesses, that the Name or Names subscribed to such Bond, Deed, or Writing, purporting to be of the Hand or Hands Writing of the Obligor or Obligors to such Bond, or of the Party or Parties to such Deed or Writing, is or are of the proper Hand Writing or Hands Writing of such Obligor or Obligors, Party or Parties, respectively, and that the Name or Names set and subscribed of the Witness or Witnesses attesting the Execution of the same, respectively, is or are of the proper Hand or Hands Writing of the Witness or Witnesses so attesting the same, and that such Witness or Witnesses is or are resident in the *East-Indies*; and, in like Manner, all Courts of Justice in the *East-Indies* shall admit the like Proof of the Execution of Bonds and other Deeds and Writings executed in *Great-Britain*, and witnessed by any Person or Persons resident in *Great-Britain*: And such Proofs shall be deemed and taken to be as valid and sufficient Evidence of the due Execution of such Bonds, and other Deeds and Writings, as if the Witness or Witnesses thereto was or were dead.

Public Act. Commencement thereof.

XXXIX. And be it further enacted, That this Act shall be deemed and taken to be a public Act, and shall take Place and have Commencement in *Great-Britain*, immediately after the same shall have received his Majesty's Royal Assent; and shall take Place and have Commencement in and throughout the *East-Indies*, and Parts within the Limits of the exclusive Trade granted to the said Company, from the first Day of *January*, one thousand seven hundred and eighty-seven.

26 GEORGII III. Cap. LXII.

An Act to enable the East-India *Company to raise Money by a Sale of Annuities, and by increasing their Capital Stock.*

Preamble.

WHEREAS the Public stands indebted to the United Company of Merchants of *England* trading to the *East-Indies*, in the Sum of four millions two hundred thousand Pounds, lent, at various Times, under the Authority of several Acts of Parliament, for which an Annuity is now payable to the said United Company, to the Amount of one hundred and twenty-six thousand Pounds, being an Interest on the said Debt, at and after the Rate of three Pounds *per Centum per Annum*: And whereas the said United Company, pursuant to the Powers contained in an Act of Parliament made in the twenty-third Year of the Reign of his late Majesty King *George* the Second, intituled, *An Act for giving further Time to the Proprietors of Annuities after the Rate of four Pounds* per Centum per Annum, *to subscribe the same in the Manner and upon the Terms therein mentioned; and for redeeming such of the said Annuities as shall not be so subscribed; and for empowering the* East-India *Company to raise certain Sums by transferrable Annuities*; have borrowed and taken in by Subscription, from sundry Persons, the Sum of two millions nine hundred ninety-two thousand four hundred and forty Pounds, five Shillings, by a grant of Annuities called *India Annuities*, which now carry an Interest at the Rate of three Pounds *per Centum per Annum*, amounting to the yearly Sum of eighty-nine thousand seven hundred and seventy-three Pounds, four Shillings: And whereas, for the Purpose of enabling the said United Company to carry on an extended Trade, and also to discharge the Demands to which they are liable, it is necessary and expedient that the said United Company should be enabled to raise a further Sum of Money than they are now enabled to do: May it therefore please your most Excellent Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for the said United Company, and they are hereby authorized and empowered, by and with the Consent and Approbation of the Commissioners of his Majesty's Treasury for the Time being, or any three or more of them, or of the High Treasurer for the Time being, at such Time or Times, and in such Manner, as they shall find to be most for the Advantage of the said United Company, to borrow and take in, by Subscription or otherwise, from any Person or Persons, Bodies politic or corporate, who shall

Recital of Act 23 Geo. 2. c. 22.

Company may borrow, with the Approbation of the Treasury, any Sum of 3l. per Cent. the annual Interest of which does not exceed 36,2201. 16s.

shall be willing to advance the same, any Sum or Sums of Money, by the Sale or Mortgage of a Fund attended with an Annuity at the Rate of three Pounds *per Centum per Annum*, not exceeding in the Whole the annual Sum of thirty-six thousand two hundred and twenty-six Pounds, sixteen Shillings, being an Annuity due to the said United Company from the Public in Consideration of one million two hundred and seven thousand five hundred and fifty-nine Pounds fifteen Shillings, Part of the said Sum of four millions two hundred thousand Pounds; which said Sale shall and may be made at such Price or Prices as the Court of Directors of the said United Company, by and with the Consent and Approbation of the Commissioners of his Majesty's Treasury for the Time being, or any three or more of them, or the High Treasurer for the Time being, shall think fit; and that from and after the Time of such Sale, the said Annuities shall be paid and transferred in like Manner, and the Proprietors and Holders shall in all Respects, hold their respective Shares of the said Fund, to be purchased as aforesaid, in like Manner, and upon the same Terms as the respective present Proprietors now hold and enjoy the respective Sums belonging to them in the said Annuity Fund of two millions nine hundred ninety-two thousand four hundred and forty Pounds, five Shillings; and the said Annuities, so to be sold as aforesaid, shall be consolidated with the said Fund of two millions nine hundred ninety-two thousand four hundred and forty Pounds, five Shillings; and the said Debt of four millions two hundred thousand Pounds, due from the Public to the said United Company, and the Annuities payable in Respect thereof, shall be a collateral Security to the Proprietors and Holders of the said Annuities, so to be sold or mortgaged as aforesaid, in the same Manner as for the said Sum of two millions nine hundred ninety-two thousand four hundred and forty Pounds, five Shillings, heretofore sold under the before recited Act of the twenty-third Year of the Reign of his late Majesty King *George* the Second, but subject nevertheless to such and the like Proviso, or Condition of Redemption by the Company, as the said Sum of four millions two hundred thousand Pounds, due to the Company by the Public, is or shall be subject and liable by any Act or Acts of Parliament.

The additional Annuities to be paid on the same Terms as the Money borrowed under the recited Act, and secured by the Public in the same Manner, &c.

II. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said United Company, and they are hereby authorized and impowered, by and with the Consent and Approbation of the Commissioners of his Majesty's Treasury for the Time being, or any three or more of them, or of the High Treasurer for the Time being, at any Time or Times hearafter, to open Books, and to receive Subscriptions from any Person or Persons, Natives or Foreigners, Bodies politic or corporate, for enlarging their present capital Stock or Fund of three millions two hundred thousand Pounds, to any Sum not exceeding the further Sum of eight hundred thousand Pounds capital Stock, so as to make their whole capital Stock the Sum of four millions; which said additional capital Stock shall be subscribed and paid for at the Rate of one hundred and sixty Pounds for every one hundred Pounds of such Stock, or at such other Rate as the Court of Directors of the said United Company, with the Consent and Approbation of the Commissioners of his Majesty's Treasury for the Time being, or any three or more of them, or of the High Treasurer for the Time being, shall direct; which said Subscription shall be made, and the Money for the said additional Stock shall be paid in such Manner and Form, and by such Instalments and Proportions, as the said Court of Directors, with such Consent and Approbation as aforesaid, shall appoint; and the capital Stock so subscribed and paid for, shall, from and after the Time of such Payment, be deemed, considered, and taken, as and for a Part of the capital Stock of the said Company; and the said Subscribers, from and after the Time of making full Payment for the said additional Stock, and their respective Executors, or Administrators and Assigns, shall at all Times be deemed and reputed to be Members of the said United Company, and incorporated therewith, and shall be entitled unto, and have, hold, and enjoy all and every the Profits, Benefits, Privileges, Advantages, and Immunities, and be subject and liable to all and every the Regulations, Rules, and Orders, whereto the present Stockholders and Members of the said United Company, in Respect of the Stock held by, and belonging to them, are respectively entitled, subject, and liable unto, by any Act or Acts of Parliament, Charter, or Bye-law, or otherwise howsoever; and the said additional Stock shall be transferrable and assignable in the like Manner, and the Proprietors and Holders thereof shall hold their respective Shares of the said additional Stock in like Manner, as the respective present Stockholders of the said Company now do, and hereafter shall hold and enjoy the respective Sums now belonging to them in the present capital Stock of the said United Company; and the same shall, in all Respects, be consolidated and united as one joint Stock.

Company may add to their capital Stock 800,000l. by Subscription.

Subscribers to be incorporated with the Company, &c.

III. And be it further enacted by the Authority aforesaid, That the said United Company shall and may, from Time to Time, make and pay the like Dividends, to the Proprietors of the said additional Stock, as they now do and hereafter shall and may make and pay to the Proprietors

Dividends on the additional Stock to be paid as on the present Stock.

tors and Holders of the present Stock of the said United Company; the first of which said Dividends shall commence from such Time as shall be specified in the Proposals or Terms to be offered for the said Subscription by the said Court of Directors, with such Consent and Approbation as aforesaid.

Preference in subscribing for the additional Stock, may be given to the present Proprietors, so as not to exceed 50l. per Cent. on the Stock now held by them.

If Sum so subscribed be more than sufficient, a proportionable Deduction to be made from each Subscription.

IV. Provided nevertheless, and be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Court of Directors, with such Consent and Approbation as aforesaid, to give the Option and Preference, in subscribing for the said additional Stock, to such Persons as shall hold the said Company's Stock at the Time or Times of such Subscription as aforesaid, as far as, and not exceeding the Amount of fifty Pounds *per Centum* on the capital Stock which shall then be held by each Stockholder so subscribing, for all such Sums as they shall subscribe on or before the first Day of *September*, one thousand seven hundred and eighty-six; and in Case the Subscriptions, made by them on or before the said first Day of *September*, one thousand seven hundred and eighty-six, shall exceed the Sum proposed to be sold at that Time, a proportionable Deduction shall be made from each Subscription; and if such Subscription shall, on the Close thereof, on the first Day of *September*, one thousand seven hundred and eighty-six, fall short of the Sum proposed to be sold, the Deficiency shall be disposed of to other Persons, as the said Court of Directors, with Consent and Approbation as aforesaid, shall think fit.

Court of Directors may sell the Whole, or Part of the Stock, to one or more Person or Persons, with the Consent of the Treasury.

V. Provided always, and be it further enacted by the Authority aforesaid, That, nothing herein contained shall extend, or be construed to extend, to prevent or restrain the Court of Directors of the said United Company, by and with such Consent and Approbation as aforesaid, from agreeing with one or more Person or Persons, Bodies politic or corporate, for the Sale of the Whole of the said Annuity hereby authorized to be sold, or for the Sale of the said additional capital Stock, or for such Part or Parts thereof respectively as they shall from Time to Time think fit, and find it necessary and proper to sell; but it shall and may be lawful for the said Court, with such Consent and Approbation as aforesaid, to contract for and agree to sell the Whole, or any Part thereof respectively, to one or more Person or Persons.

Receipts to be given for Deposits, and to be transferrable by Indorsement.

VI. And be it further enacted, That, as soon as reasonably may be after the Deposit or first Payment shall be made for the said Annuities, hereby authorized to be sold, or for the said additional Stock to be subscribed for, the said Company's Cashier or Treasurer shall give a Receipt for the same, and so from Time to Time as future Payments shall be made, which said Receipts shall be assignable and transferrable by Indorsement thereon; and when the first Payment shall be made on the said Annuities to be sold, and on the said additional Stock to be subscribed for as aforesaid, the Holder of such Receipt, on delivering up the same, shall have his or her Name entered, in proper Books to be kept by the said United Company for those Purposes, with an Account of the Annuity Fund or the capital Stock belonging to each Proprietor, in like Manner as the Accounts of the present Proprietors of *India* Annuities and Stock are respectively kept.

Deposits to be forfeited if Subscriptions are not duly paid.

VII. Provided always nevertheless, and be it further enacted, That in Case any Subscriber or Subscribers, after having subscribed, shall fail in making all or any the Payments agreed at the respective Times for such Payments, then, and in every such Case, the said United Company shall and may take in Subscriptions for and sell the Annuity Fund, or Stock subscribed for by such Defaulter, to any other Person or Persons, and all Deposits and Payments made by such Defaulter previous to such Default, shall be forfeited to, and become the Property of the said United Company.

Guardians may purchase for Infants, &c.

VIII. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for any Guardian or Trustee having the Disposition of the Money of any Infant, to purchase the said Annuities, and subscribe and pay for the said additional Stock, or any Part thereof respectively, upon the Terms and Conditions contained in this Act; and such Infant, upon the Payment of such Sum or Sums by such Guardian or Trustee, shall be intitled unto the Annuities or Stock, so subscribed and paid for on his Account, and to all Advantages in Respect thereof, in like Manner as any other Purchaser or Subscriber; and the said Guardian or Trustee, as to the Sum or Sums advanced by him, shall be, and is hereby discharged in Respect thereof, so as the Name of such Infant shall be expressed in the Receipt or Receipts for such Money.

Public Act.

IX. And be it further enacted, That this Act shall be deemed and taken to be a Public Act; and shall be judicially taken notice of as such, by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

27 GEORGII III. Cap. XLVIII.

An Act to enable the East-India *Company to continue their Warehouses already built, and to build new Warehouses, exceeding certain Dimensions, freed and discharged from the Regulations and Directions contained in an Act made in the fourteenth Year of the Reign of his Majesty King* George *the Third, intituled,* An Act for the further and better Regulation of Buildings and Party Walls; and for the more effectually preventing Mischiefs by Fire within the Cities of *London* and *Westminster*, and the Liberties thereof, and other the Parishes, Precincts, and Places, within the Weekly Bills of Mortality, the Parishes of *Saint Mary-la-Bonne*, *Paddington*, *Saint Pancras*, and *Saint Luke* at *Chelsea*, in the County of *Middlesex*; and for indemnifying, under certain Conditions, Builders and other Persons against the Penalties to which they are or may be liable for erecting Buildings within the Limits aforesaid contrary to Law.

Preamble. 14 Geo. 3. c. 78.

WHEREAS, by an Act of Parliament, made and passed in the fourteenth Year of the Reign of his present Majesty, intituled, *An Act for the further and better Regulation of Buildings and Party Walls; and for the more effectually preventing Mischiefs by Fire within the Cities of* London *and* Westminster, *and the Liberties thereof, and other the Parishes, Precincts, and Places, within the Weekly Bills of Mortality, the Parishes of* Saint Mary-la-Bonne, Paddington, Saint Pancras, *and* Saint Luke *at* Chelsea, *in the County of* Middlesex; *and for indemnifying, under certain Conditions, Builders and other Persons against the Penalties to which they are or may be liable for erecting Buildings within the Limits aforesaid contrary to Law*; it was, amongst other Things, enacted, That no Stack of Warehouses, to be erected after the twenty-fourth Day of *June* one thousand seven hundred and seventy-four, should contain more than thirty-five Squares of Building on the Ground Plan thereof, including all the external and internal Walls, and so much of the Party Walls, if any, as belonged to such Stack of Warehouses; and that no Enlargement should be at any Time thereafter made to any Stack of Warehouses already built or begun, so as to increase the same beyond the said thirty-five Squares on the Ground Plan, including such Walls as aforesaid, except such Stack of Warehouses should be separated and divided by one or more Party Wall or Party Walls, built in every Respect according to the Directions therein before contained concerning Party Walls, into Divisions of not more than thirty-five Squares each, including such Walls as aforesaid, on the Ground Plan of such Warehouses; and that no Stack of Warehouses should communicate with any other Warehouse or Building through a Party Wall, unless the Door-case and Sill of every such Communication should be of Stone, and unless there should be to every such Communication a Door of wrought Iron, of the Thickness of a quarter of an Inch at least, in the Pannels thereof; and that no Timber Bond or Lintel should be laid into the Brick Work of any Wall in any such Stack of Warehouses nearer than eighteen Inches to the opening of such Communication: And whereas the United Company of Merchants of *England* trading to the *East-Indies* are possessed and in the Use of Warehouses heretofore erected, which, on the Ground Plan thereof, exceed thirty-five Squares, without any Division; and they are now building, and may hereafter build other Warehouses, for the Purpose of carrying on their Trade, which are necessary to be built of Dimensions exceeding thirty-five Squares, without being divided by a Party Wall or Party Walls, as in the said Act are expressed: And whereas it is expedient that the said United Company should be allowed to continue their present Warehouses, and to build new Warehouses, of Dimensions convenient to their Trade, freed from the Regulations and Directions of the said recited Act: May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Warehouses of the said United Company already erected, and the Warehouses now erecting and hereafter to be erected for the Use of the said United Company, and every of them, shall be freed from, and shall not be subject unto all or any the Regulations and Directions contained in the said recited Act, in Respect to the Dimensions thereof, without a Division or Divisions by a Party Wall or Party Walls; but it shall and may be lawful for the said United Company to continue their Warehouses already built and building, and hereafter to build new Warehouses for their own Use, of Di-

The East-India Company possessed of and building Warehouses exceeding thirty-five Squares.

Expedient that the said Company should be allowed to continue their present Warehouses, and build others, freed from the Regulations of the said Act.

That the Warehouses of the said Company shall be freed from the Regulations of the said Act.

mensions exceeding thirty-five Squares, without dividing the same by a Party Wall or Party Walls, and freed and discharged from the other Regulations and Directions mentioned and contained in the said recited Act, respecting Buildings in the Cities of *London* and *Westminster*, and other Places in the said Act mentioned; any Thing in the said recited Act contained to the contrary in anywise notwithstanding.

Public Act. II. And be it further enacted, That this Act shall be and be deemed and taken to be a Public Act; and shall be judicially taken Notice of as such, by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

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28 GEORGII III. Cap. VIII.

An Act for removing any Doubt respecting the Power of the Commissioners for the Affairs of India, *to direct that the Expense of raising, transporting, and maintaining, such Troops as may be judged necessary for the Security of the* British *Territories and Possessions in the* East-Indies, *should be defrayed out of the Revenues arising from the said Territories and Possessions; and for limiting the Application of the said Revenues in the Manner therein mentioned.*

Preamble. WHEREAS, by an Act passed in the twenty-fourth Year of the Reign of his present Majesty, (intituled, *An Act for the better Regulation and Management of the Affairs of the* East-India *Company, and of the* British *Possessions in* India; *and for establishing a Court of Judicature for the more speedy and effectual Trial of Persons accused of Offences committed in the* East-Indies), his Majesty is empowered to nominate and appoint a Board of Commissioners for the Affairs of *India*: And whereas, by the said Act, the said Board of Commissioners is invested with the Superintendance and Controul over all the *British* territorial Possessions in the *East-Indies*, and over the Affairs of the United Company of Merchants trading thereto, in the Manner in the said Act directed; and is likewise authorized and empowered from Time to Time to superintend, direct, and controul all Acts, Operations, and Concerns, which in anywise relate to the Civil or Military Governments or Revenues of the said Possessions, in the Manner in the said Act directed: And whereas the Court of Directors of the said Company is required by the said Act to pay due Obedience to, and to be governed and bound by, such Orders and Directions as the said Court shall from Time to Time receive from the said Board, touching the Civil or Military Government and Revenues of the said Possessions: And whereas, nevertheless, Doubts have been raised, whether the said Commissioners are, under the said Act, empowered at any Time to direct, That the Expense of raising, transporting, and maintaining such Forces as may be judged necessary for the Security of the *British* Territories and Possessions in the *East-Indies*, shall be defrayed out of the Revenues arising from the said Territories and Possessions, unless such Troops are sent at the express Requisition of the *East-India* Company; and particularly whether, under the Circumstances now existing, the said Commissioners are not restrained, by certain Provisions contained in the said Act, from giving such Directions with Respect to the Expense of raising, transporting, and maintaining any Forces which may be sent to *India* for the Security of the said Possessions, in Addition to the Forces now there: And whereas it appears that, by Reason of the said Doubts, the said Directors have delayed to take Measures for transporting in the said Company's Ships the Forces which his Majesty has judged necessary to be sent to *India* for the Security of the said Possessions; Therefore, for obviating every such Doubt, may it please your Majesty that it may be enacted and declared; and be it enacted and declared by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Board of Commissioners for the Affairs of *India* was and is by the said Act fully authorized and empowered to order and direct that all the Expenses incurred, or to be hereafter incurred, for raising, transporting, and maintaining such Forces as shall be sent to *India* for the Security of the said Territories and Possessions, shall be paid, defrayed, and borne out of the Revenues arising from the said Territories and Possessions; and that nothing in the said Act contained extended or extends, or shall be construed to extend, to restrain or to have restrained the said Commissioners from giving such Orders or Directions as aforesaid, with Respect to the Expense of raising,

24 Geo. 3. Sess. 2, cap. 25, recited.

Board of Commissioners, appointed under the recited Act, empowered to direct all Expenses for raising, &c. Forces sent to India, to be defrayed out of the Revenues of the Territories there.

ing, transporting, and maintaining any Forces which may be sent to *India* for the Security of the said Possessions, in Addition to the Forces now there.

Commissioners not to give Directions for the Payment of a greater Number of Troops than herein specified.

II. Provided always, and be it enacted by the Authority aforesaid, That it shall not be lawful for the said Commissioners to give or approve any such Direction as aforesaid, with Respect to the Payment of any greater Number of his Majesty's Forces than shall amount in the Whole to eight thousand and forty-five Men, including the Commissioned and Non-commissioned Officers; or of the *European* Forces of the *East-India* Company, than shall amount in the Whole to twelve thousand two hundred Men, including the Commissioned and Non-commissioned Officers.

Commissioners not to give Directions for increasing Salaries beyond the Amount fixed by Orders which have been sent to India, unless proposed by the Directors, &c.

III. And whereas it is expedient that further Provisions should be made for limiting the Application of the said Revenues, with Respect to the established Salaries and Allowances to be paid therefrom to any Person in *India*, and with Respect to any extraordinary Allowances or Gratuities to be paid therefrom to any Person on Account of Services performed in *India*; be it therefore further enacted by the Authority aforesaid, That it shall not be lawful for the Commissioners for the Affairs of *India* to give, or cause to be given, any Directions, ordering or authorizing, by any Dispatches to be sent to *India*, the Increase of the established Salaries, Allowances, or Emoluments of any Office in the Service of the said Company, beyond the Amount to which the same are now fixed by the Orders which have been sent to *India*, unless such Increase shall be specified and contained in some Dispatch proposed by the said Court of Directors to be sent to *India*, and transmitted by them to the said Commissioners for their Approbation; and unless an Account of the actual Salaries, Allowances, and Emoluments of such Office, and of the Increase proposed to be made therein, with Reasons for such Increase, shall have been laid before both Houses of Parliament thirty Days before such Dispatch shall be sent.

Commissioners not to give Directions for Payment of any Gratuity, but such as shall be specified in Dispatches proposed by the Directors, &c.

IV. And be it further enacted, That it shall not be lawful for the said Commissioners to give, or cause to be given, any Direction for the Payment of any extraordinary Allowance or Gratuity from the said Revenues, to any Person, on Account of Services performed in *India*, or on any other Account whatever, to any greater Amount, or to any other Person, than shall be specified and contained in some Dispatch proposed by the said Court of Directors to be sent to *India*, and transmitted by them to the said Commissioners for their Approbation; and that in every Case where any such Directions shall be so given, a distinct Account of all such Allowances or Gratuities shall be added to the next List of Establishments laid before Parliament by the said Court of Directors.

Directors to lay before each House of Parliament an annual Account of the Produce of the Revenues of their respective Presidencies, &c.

V. And be it further enacted by the Authority aforesaid, That the Directors of the said United Company shall, within the first fourteen sitting Days after the first Day of *February* in every Year, lay before each of the two Houses of Parliament respectively, an Account (made up according to the latest Advices) of the annual Produce of the Revenues (distinguishing the same under the several Heads thereof) at their several Presidencies respectively, and of the annual Disbursements at each of the said Presidencies and Settlements respectively (distinguishing the same under the several Heads thereof), and of the Amount of the Bond and other Debts at each of the said Presidencies respectively, the Rate of Interest which such Debts respectively carry, and the annual Amount of such Interest.

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28 GEORGII III. Cap. XXIX.

An Act to enable the East-India *Company to borrow a further Sum of Money upon Bond.*

Preamble. WHEREAS it is expedient, in Consideration of the present State of the Affairs of the United Company of Merchants of *England* trading to the *East-Indies*, that the said Company should be enabled to issue Bonds for the Purposes of their Trade, and for discharging sundry Demands to which they are liable, to a larger Amount than they are now by Law authorized to do; may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for the said United Company to borrow Money upon, and issue 1,200,000*l.* on Bond,

East-India Company impowered to borrow

beyond what they may now legally borrow.

issue Bonds under their Common Seal, as the Affairs of the said United Company may require, not exceeding the Sum of one million two hundred thousand Pounds beyond the Sum for which the said United Company may now by Law issue their Bonds.

29 GEORGII III. Cap. LIX.

An Act for allowing the like Drawback on Teas, exported to the Islands of Guernsey *and* Jersey *and to* Gibraltar, *and other Places on the Continent of* Europe, *and to* Africa, *as is now allowed on Teas exported to* Ireland *or* America.

Preamble.

WHEREAS a Drawback of the Whole of the Duties paid upon Teas, which have been regularly imported into this Kingdom by the United Company of Merchants of *England* trading to the *East-Indies*, and for which the Duties of Customs and Excise have been paid, is allowed to the Exporter on the due Exportation thereof, to the Kingdom of *Ireland*, into the *British* Colonies in *America*, on certain Conditions: And whereas it is expedient that the like Drawbacks should be allowed on the Exportation of such Teas to the Islands of *Jersey* and *Guernsey*, to *Gibraltar*, or to any Port or Place on the Continent of *Europe* where there shall be a *British* Consul resident for the Protection of Trade; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, from and after the first Day of *August*, one thousand seven hundred and eighty-nine, there shall be paid or allowed to the Exporter or Exporters of Teas, which shall have been regularly imported into this Kingdom by the United Company of Merchants of *England* trading to the *East-Indies*, and on which the whole Duties of Customs and Excise shall have been paid, in Case such Teas shall be exported to the Islands of *Jersey* or *Guernsey*, or to *Gibraltar*, or to some Port or Place on the Continent of *Europe* where there shall be a *British* Consul resident for the Protection of Trade, the like Drawback of the Duties of Customs and Excise as is now allowed on the Exportation of such Teas to *Ireland*, or to the *British* Colonies or Plantations in *America*, on Condition that the same shall be exported in such and the like Manner, and under such and the like Rules, Regulations, Provisions, Restrictions, Penalties, and Forfeitures, as such Teas are now subject and liable to upon the Exportation thereof, for a Drawback to *Ireland*, or to the *British* Colonies or Plantations in *America*: And provided also, that a like Bond shall be given for the due Exportation thereof, with further Condition that the Exporter thereof shall produce a Certificate for such Teas as shall have been entered for Exportation to the Islands of *Jersey* and *Guernsey*, under the Hand and Seal of the Lieutenant-Governor, or other chief Officer, and of the principal Officer of the Customs of such Islands respectively, within the Space of six Months from the Exportation thereof, that the same have been duly landed there; for such Teas as shall be entered for Exportation to *Gibraltar*, that the Exporter thereof shall produce a like Certificate under the Hand and Seal of the Governor, or other Chief Officer there, within the Space of twelve Months from the Exportation thereof; and that for such Teas as shall so be entered for Exportation to any such Port or Place on the Continent of *Europe*, the Exporter shall produce a like Certificate under the Hand and Seal of the *British* Consul resident at such Place for the Protection of Trade, within the Space of twelve Months from the Exportation thereof.

From August 1, 1789, on Tea exported to Jersey, Guernsey, Gibraltar, or any Place in Europe where there is a British Consul, there shall be allowed the like Drawback as on Tea exported to Ireland or America, on the Conditions herein prescribed.

A like Drawback shall be allowed on the Exportation of Tea to Africa.

II. And be it further enacted by the Authority aforesaid, That a like Drawback shall be paid and allowed on the Exportation of Tea to *Africa*, as is now allowed on the Exportation thereof to his Majesty's Colonies or Plantations in *America*, on Bond being entered into by the Merchant Exporter, with sufficient Security to his Majesty, his Heirs and Successors, in Double the Value of such Tea, that the same, and every Part thereof, shall (the Danger of the Seas excepted) be well and truly exported to, and landed in some Part of the Coast of *Africa*, and not in any other Port or Place beyond the Seas.

How Bonds given for the Exportation of such Tea shall be discharged.

III. And be it further enacted by the Authority aforesaid, That no Bond which shall be entered into for the Exportation of Tea to *Africa*, in Pursuance of this Act, shall be discharged or delivered up until Proof is made, by the Oath of the Master, Mate, Purser, or other Person having Charge of the Ship or Vessel during the Voyage in which such Goods were exported, that the said Goods and every Part thereof, were fairly landed or disposed of, in or on some Part of the Coast

Coast of *Africa*, and that no Part thereof had been relanded in any Part of *Great-Britain*, or in the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, or any other Part or Place beyond the Seas; and by the Oath of the Merchant Exporter (if living), that to the best of his, her, or their Knowledge and Belief, such Goods had been disposed of at the Place or Places mentioned in the Oath of such Master, Mate, Purser, or other Person having the Charge of such Ship or Vessel during the Voyage, which Proof shall be made within three Years from the Date of each respective Bond, before the Collector and Comptroller, or other principal Officer of the Customs at the Port for the Time being where such last mentioned Bond shall be entered into, who are hereby respectively impowered to administer the same; and in Case no such Proof shall be made as aforesaid within the respective Times before limited, it shall and may be lawful for the respective Commissioners of the Customs in *Great-Britain* to cause such Bond to be put in Suit, unless they shall find sufficient Cause to forbear the same; any Law, Custom, or Usage, to the contrary in anywise notwithstanding.

If such Tea be relanded in Britain, or at any Place for which it was not shipped the Master to forfeit Treble the Value.

IV. And be it further enacted by the Authority aforesaid, That in Case any Teas, which shall have been shipped for Exportation by Virtue and in Pursuance of this Act, shall be relanded in any Part of this Kingdom, or landed at any Place other than that for which the same shall have been shipped for Exportation, the Master or other Person having or taking the Charge or Command of the Ship or Vessel, in or on Board which such Tea shall have been shipped for Exportation, shall forfeit Treble the Value thereof: Provided always, That no greater Quantities of Teas shall be exported under the Authority of this Act than the Lord High Treasurer, or the Commissioners of the Treasury, or any three of them for the Time being, shall, twenty-one Days previous to each quarterly Sale of the United Company of Merchants of *England* trading to the *East-Indies*, authorize by Warrant under their Hands, directed to the Commissioners of the Customs in *England*.

No larger Quantities of Teas to be exported than shall be allowed by the Treasury.

29 GEORGII III. Cap. LXV.

An Act to enable the East-India *Company to raise Money by further increasing their Capital Stock.*

Preamble.

WHEREAS the Affairs of the United Company of Merchants of *England* trading to the *East-Indies*, require an Advance of a considerable Sum of Money to answer certain present Purposes, beyond what the said Company are now enabled by Law to raise; and it is expedient that such Money should be raised by an Increase of their Capital Stock: May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for the said United Company, and they are hereby authorized and impowered, by and with the Consent and Approbation of the Commissioners of his Majesty's Treasury for the Time being, or any three or more of them, or of the High Treasurer for the Time being, at any Time or Times hereafter, to open Books and to receive Subscriptions from any Person or Persons, Natives or Foreigners, Bodies politic or corporate, for enlarging their present Capital Stock or Fund of four millions of Pounds, to any Sum not exceeding the further Sum of one million of Pounds Capital Stock, so as to make their whole Capital Stock the Sum of five millions; which said additional Capital Stock shall be subscribed and paid for at the Rate of one hundred and seventy Pounds for every one hundred Pounds of such Stock, or at such other Rate as the Court of Directors of the said United Company, with the Consent and Approbation of the Commissioners of his Majesty's Treasury for the Time being, or any three or more of them, or of the High Treasurer for the Time being, shall direct; which said Subscription shall be made, and the Money for the said additional Stock shall be paid, in such Manner and Form, and by such Instalments and Proportions, as the said Court of Directors, with such Consent and Approbation as aforesaid, shall appoint; and the Capital Stock so subscribed and paid for, shall, from and after the Time of such Payment, be deemed, considered, and taken, as and for a Part of the Capital Stock of the said Company; and the said Subscribers, from and after the Time of making full Payment for the said additional Stock, and their respective Executors or Administrators and Assigns shall at all Times be deemed and reputed to be Members of the said United Company, and incorporated therewith, and shall be intitled unto, and have, hold, and enjoy, all and every the Profits, Benefits, Privileges, Advantages, and Immunities,

East-India Company, with the Approbation of the Treasury, may increase their Capital Stock 1,000,000l. in the Manner herein prescribed;

and be subject and liable to all and every the Regulations, Rules, and Orders whereto the present Stockholders and Members of the said United Company, in Respect of the Stock held by and belonging to them, are respectively intitled, subject, and liable unto, by any Act or Acts of Parliament, Charter, or Bye-Law, or otherwise howsoever; and the said additional Stock shall be transferrable and assignable in the like Manner, and the Proprietors and Holders thereof shall hold their respective Shares of the said additional Stock in like Manner as the respective present Stockholders of the said Company now do and hereafter shall hold and enjoy the respective Sums now belonging to them in the present Capital Stock of the said United Company; and the same shall in all Respects be consolidated and united as one joint Stock.

and may pay the like Dividends on the additional as on the present Stock of the Company.

II. And be it further enacted by the Authority aforesaid, That the said United Company shall and may, from Time to Time, make and pay the like Dividends to the Proprietors of the said additional Stock as they now do and hereafter shall and may make and pay to the Proprietors and Holders of the present Stock of the said United Company; the first of which said Dividends shall commence from such Time as shall be specified in the Proposals or Terms to be offered for the said Subscription by the said Court of Directors, with such Consent and Approbation as aforesaid.

Preference in subscribing for the additional Stock may be given to the present Proprietors.

At September 1, 1789, if the Subscriptions shall exceed the Sum proposed to be sold, a proportionable Deduction to be made from each Subscription;

and if they fall short, the Deficiency to be disposed of to others.

III. Provided nevertheless, and be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Court of Directors, with such Consent and Approbation as aforesaid, to give the Option and Preference in subscribing for the said additional Stock to such Persons as shall hold the said Company's Stock at the Time or Times of such Subscription as aforesaid, as far as, and not exceeding the Amount of fifty Pounds *per Centum* on the Capital Stock which shall then be held by each Stockholder so subscribing, for all such Sums as they shall subscribe on or before the first Day of *September* one thousand seven hundred and eighty-nine; and in Case the Subscription made by them on or before the said first Day of *September* one thousand seven hundred and eighty-nine, shall exceed the Sum proposed to be sold at that Time, a proportionable Deduction shall be made from each Subscription; and if such Subscription shall, on the Close thereof, on the said first Day of *September* one thousand seven hundred and eighty-nine, fall short of the Sum proposed to be sold, the Deficiency shall be disposed of to other Persons, as the said Court of Directors, with such Consent and Approbation as aforesaid, shall think fit.

Directors may contract for the Sale of the Whole to one or more Persons.

IV. Provided always, and be it further enacted by the Authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to prevent or restrain the Court of Directors of the said United Company, by and with such Consent and Approbation as aforesaid, from agreeing with one or more Person or Persons, Bodies politic or corporate, for the Sale of the Whole of the said additional Capital Stock, or for such Part or Parts thereof as they shall from Time to Time think fit and find it necessary and proper to sell; but it shall and may be lawful for the said Court, with such Consent and Approbation as aforesaid, to contract for, and agree to sell the Whole, or any Part thereof, to one or more Person or Persons.

Receipts to be given for Payments, which shall be transferrable, &c.

V. And be it further enacted, That as soon as reasonably may be after the Deposit or first Payment shall be made for the said additional Stock to be subscribed for, the said Company's Cashier or Treasurer shall give a Receipt for the same, and so from Time to Time as future Payments shall be made, which said Receipts shall be assignable and transferrable by Indorsement thereon; and when the first Payment shall be made on the said additional Stock, to be subscribed for as aforesaid, the Holder of such Receipt, on delivering up the same, shall have his or her Name entered in proper Books to be kept by the said United Company for that Purpose, with an Account of the Capital Stock belonging to each Proprietor, in like Manner as the Accounts of the present Proprietors of *India* Stock are kept.

If Subscribers fail in making good all Payments, their Stock may be sold to any other Persons, and the Deposits to be forfeited.

VI. Provided always nevertheless, and be it further enacted, That in Case any Subscriber or Subscribers, after having subscribed, shall fail in making all or any the Payments agreed at the respective Times for such Payments, then, and in every such Case, the said United Company shall and may take in Subscriptions for and sell the Stock subscribed for by such Defaulter to any other Person or Persons; and all Deposits and Payments made by such Defaulter, previous to such Default, shall be forfeited to and become the Property of the said United Company.

Public Act.

VII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act; and shall be judicially taken Notice of as such, by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

31 GEORGII III. Cap. X.

An Act for altering and amending so much of an Act, passed in the twenty-eighth Year of his Majesty's Reign, intituled, An Act for removing any Doubt respecting the Power of the Commissioners for the Affairs of *India*, to direct that the Expense of raising, transporting, and maintaining such Troops as may be judged necessary for the Security of the *British* Territories and Possessions in the *East-Indies*, should be defrayed out of the Revenues arising from the said Territories and Possessions; and for limiting the Application of the said Revenues in the Manner therein mentioned, *as relates to such Directions as shall be given or approved by the said Commissioners with Respect to the Payment of certain Proportions of his Majesty's Forces in* India, *and of the* European *Forces of the* East-India *Company, therein specified.*

Preamble. 28 *Geo.* 3. *c.* 8.

WHEREAS by an Act, passed in the twenty-eighth Year of the Reign of his present Majesty, (intituled, *An Act for removing any Doubt respecting the Power of the Commissioners for the Affairs of* India, *to direct that the Expense of raising, transporting, and maintaining, such Troops as may be judged necessary for the Security of the* British *Territories and Possessions in the* East-Indies; *should be defrayed out of the Revenues arising from the said Territories and Possessions; and for limiting the Application of the said Revenues in the Manner therein mentioned*), it is, amongst other Things, provided and enacted, That it shall not be lawful for the said Commissioners to give or approve any such Direction as in the said Act is mentioned, with Respect to the Payment of any greater Number of his Majesty's Forces, or of the *European* Forces of the *East-India* Company, than is therein specified respectively: And whereas, by Reason of the present War in *India*, it is become expedient, that a further Number of his Majesty's Forces should now be sent to the *East-Indies*, in Addition to those, the Payment of which the said Commissioners are by the said Act authorized to direct and approve; may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for the said Commissioners for the Affairs of *India*, and they are hereby authorized and empowered, at any Time before the twenty-fifth Day of *March*, one thousand seven hundred and ninety-two, to give or approve Orders and Directions that the Expenses to be incurred for transporting and maintaining such a Number of his Majesty's Forces, not exceeding two thousand six hundred and eighty-two Men, including the commissioned and noncommissioned Officers, as shall be sent to *India*, in Addition to the Number of the same Forces mentioned in the said Act, shall be paid, defrayed, and borne out of the Revenues arising from the said Territories and Possessions, any Thing in the said Act to the contrary notwithstanding.

Commissioners for the Affairs of India impowered to order the Expenses of transporting, &c. an additional Number of Forces to India, to be paid out of the Revenues of the Company.

31 GEORGII III. Cap. XI.

An Act for removing any Doubt respecting the Sale or Mortgage of Annuities, pursuant to an Act made in the twenty-sixth Year of the Reign of his present Majesty, intituled, An Act to enable the *East-India* Company to raise Money by Sale of Annuities, and by increasing their Capital Stock.

Preamble. 26 *Geo.* 3. *c.* 62. recited.

WHEREAS by an Act of Parliament made in the twenty-sixth Year of the Reign of his present Majesty, intituled, *An Act to enable the* East-India *Company to raise Money by a Sale of Annuities, and by increasing their Capital Stock*; the said Company were authorized and empowered by and with the Consent and Approbation of the Commissioners of his Majesty's Treasury for the Time being, or any three or more of them, or of the High Treasurer for the Time being, at such Time or Times, and in such Manner as they should find to be most for the Advantage

vantage of the said United Company, to borrow and take in by Subscription or otherwise, from any Person or Persons, Bodies politic or corporate, who should be willing to advance the same, any Sum or Sums of Money, by the Sale or Mortgage of a Fund, attended with an Annuity at the Rate of three Pounds *per Centum per Annum*, not exceeding in the Whole the annual Sum of thirty-six thousand two hundred and twenty-six Pounds sixteen Shillings, being an Annuity due to the said United Company from the Public, in Consideration of one million two hundred and seven thousand five hundred and fifty-nine Pounds fifteen Shillings, Part of the Sum of four millions two hundred thousand Pounds in the said Act mentioned; which said Sale should and might be made at such Price or Prices as the Court of Directors of the said Company by and with the Consent and Approbation of the Commissioners of his Majesty's Treasury for the Time being, or any three or more of them, or the High Treasurer for the Time being should think fit; and that from and after the Time of such Sale, the said Annuities should be paid and transferred in like Manner, and the Proprietors and Holders should in all Respects hold their respective Shares of the said Fund to be purchased as aforesaid, in like Manner and upon the same Terms as the then respective present Proprietors then held and enjoyed, the respective Sums belonging to them in the Annuity Fund of two millions nine hundred and ninety-two thousand four hundred and forty Pounds five Shillings, in the said Act mentioned; and that the said Annuities to be sold as aforesaid should be consolidated with the said Fund of two millions nine hundred and ninety-two thousand four hundred and forty Pounds five Shillings; and that the said Debt of four millions two hundred thousand Pounds due from the Public to the said Company, and the Annuities payable in Respect thereof, should be a collateral Security to the Proprietors and Holders of the said Annuities so to be sold or mortgaged as aforesaid, in the same Manner as for the said Sum of two millions nine hundred and ninety-two thousand four hundred and forty Pounds five Shillings theretofore sold, as in the said Act is mentioned, but subject nevertheless to such and the like Proviso or Condition of Redemption by the Company as the said Sum of four millions two hundred thousand Pounds, due to the Company by the Public, was or should be subject and liable to by any Act or Acts of Parliament: And whereas the said United Company have, in Pursuance and by Virtue of the said Act, at different Times borrowed, from the Governor and Company of the Bank of *England*, on the Security of the said Annuities, Sums to the Amount of seven hundred thousand Pounds, whereof Sums to the Amount of six hundred and ninety-nine thousand nine hundred Pounds have since been repaid to the said Governor and Company: And whereas it may be necessary that the said United Company should from Time to Time exercise the Powers of the said recited Act, as their Occasions may require, but Doubts have been made whether the Governor and Company of the Bank of *England* would be duly authorized again to advance Money by Virtue of the Authority of the said Act: Now, for obviating such Doubts, may it please your Majesty that it may be enacted and declared; and be it enacted and declared by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Authority and Power in and by the said recited Act of Parliament of the twenty-sixth Year of the Reign of his present Majesty, given unto the United Company of Merchants of *England* trading to the *East-Indies*, to raise Money by Mortgage or Sale of the Annuity Fund of thirty-six thousand two hundred and twenty-six Pounds sixteen Shillings therein mentioned, and every Matter and Thing therein contained concerning the same, is and shall remain, and be in full Force and Effect; and that it shall and may be lawful to and for the said United Company, at any Time or Times hereafter, by and with such Consent and Approbation, and in such Manner and Form as in the same Act is mentioned, from Time to Time to raise Money by Mortgage of the said Annuity Fund of thirty-six thousand two hundred and twenty-six Pounds sixteen Shillings, or any Part thereof, or to sell the Whole, or any Part of the said Fund of thirty-six thousand two hundred and twenty-six Pounds sixteen Shillings, with the like Consent and Approbation as aforesaid, as to them shall seem fit or expedient.

East-India Company may at any Time raise Money on their Annuity Fund, or sell the same, agreeable to the Regulations of recited Act.

31 GEORGII III. Cap. XL.

An Act for establishing and confirming a certain Resolution or Order of the Governor-General in Council of Fort William *in* Bengal, *and all Acts done by Virtue thereof; and for granting further Powers to the said Governor-General, during his Residence on the Coasts of* Coromandel *and* Malabar.

Preamble. Order of the Council of Fort William in Bengal, of November, 1790, recited;

WHEREAS, some Time in the Month of *November*, one thousand seven hundred and ninety, the Right Honourable *Charles* Earl *Cornwallis*, Governor-General of the Presidency of *Fort William* in *Bengal*, and the Council of *Fort William* aforesaid, did, by their Order or Act in Council, resolve, that the said Governor-General should be invested with the full Power and Authority of the said Government of *Fort William*, in all Matters which respected the Conduct and Prosecution of the present War with *Tippoo Sultaun*, or the negotiating and concluding Peace with him; and also with the full Power and Authority of the said Government to form such Arrangements, and to conclude such several Engagements or Treaties with any of the Chiefs or Powers in *India*, as he should judge expedient and necessary for the Termination of the present War with *Tippoo Sultaun*, or for the Advancement of the Interests of the United Company of Merchants of *England* trading to the *East-Indies*, or for the strict and permanent Establishment and Confirmation of the Alliances which did then subsist, or which he should judge it necessary to form, with the said Chiefs and Powers respectively; thereby declaring, that all such Acts and Orders, and all such Engagements and Treaties made as aforesaid, should be binding on the said Governor-General and Council, in the same Manner, and as effectually, as if the same had been passed and done by the special and immediate Concurrence and actual Sanction of the Governor-General in Council assembled: And whereas it is expedient that the said Act or Order in Council, and all Acts done or to be done by the said Governor-General by Virtue thereof, should be established and confirmed, and that the said Governor-General should also be invested with such further Powers as may enable him to act with Promptitude and Effect, as Opportunities or Exigencies may in his Judgment appear to require, during the Continuance of the present War, and during such Time as the said *Charles* Earl *Cornwallis* shall be resident out of the Presidency of *Fort William* in *Bengal*, for the Purposes of commanding the Forces engaged in the said War, or of negotiating any Treaty of Peace, or other Treaty, with any of the Princes or Powers in *India*; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Act or Order in Council, and the said Powers or Authorities thereby given or therein contained, shall be, and the same are hereby established, ratified, and confirmed, and shall be held, deemed, and taken, from the Date or making thereof, to have been, and to be valid and effectual in the Law; and that all such Acts, Orders, and Directions, Matters and Things, and all Engagements and Treaties which have been or shall be made or done by the said Governor-General, by Virtue or in Pursuance of the said Act or Order in Council, and the Powers therein contained, shall be binding and valid in like Manner, and as effectually, to all Intents and Purposes, as if the same had been passed, made, or done by the said Governor-General in Council at *Fort William* aforesaid.

and confirmed.

II. And be it further enacted by the Authority aforesaid, That during the Time that the said *Charles* Earl *Cornwallis* shall continue to be Governor-General as aforesaid, and shall be resident in the Presidencies of *Fort Saint George* or *Bombay*, or shall be resident in any other Part of *India*, either in the Execution of his Duty as Commander in Chief of the Forces, or for the Purpose of negotiating any Treaty of Peace, or other Treaty, consequent upon the said War, with any of the Princes or Powers in *India*, it shall and may be lawful for him the said *Charles* Earl *Cornwallis*, for and on the Behalf of the said Company, in his own Name, and by his own proper Authority, finally to conclude such Engagements, Treaties and Agreements, with any of the Chiefs or Powers in *India*, as the said Earl shall judge expedient or necessary, either for the more vigorous and effectual Prosecution of the said War, or for the Termination thereof, or otherwise for the Security or Advancement of the Rights and Interests of the said Company, or for the more permanent Establishment and Confirmation of the Alliances which already subsist, or which the said *Charles* Earl *Cornwallis* shall judge it necessary to form with the said Chiefs and Powers respectively; and to issue and enforce such Orders, Directions, and Instructions to the respective Governors and Councils

Earl Cornwallis, while he continues Governor-General and resides in India, may, in his own Name, conclude Treaties with any of the Powers there;

and may issue Orders to the Governors and Councils of Fort St. George and Bombay, &c.

cils of the Presidencies of *Fort Saint George* and *Bombay* respectively, and to make, do, execute, conclude, and perform, all and every such further and other Acts, Deeds, Matters, and Things whatever, relating to or concerning the Rights and Interests of the said Company or their Allies in *India*, as the said Governor-General might now make, give, do, execute, or perform, in Council assembled at *Fort William* aforesaid; and that all Engagements, Treaties, Agreements, Orders, Directions, Instructions, Acts, Deeds, Matters, and Things whatsoever, as well such as have been since the Twenty-first Day of *November*, one thousand seven hundred and ninety, as such as shall, during the Continuance of the said War, be hereafter negotiated, concluded, made, done, transacted, issued, or executed by the said Earl *Cornwallis*, in and by his own sole Name and Authority, touching or concerning the Matters aforesaid, shall be binding, valid, and effectual, and that all and every Person or Persons shall pay due Obedience thereto, in like Manner, to all Intents, Constructions, and Purposes, as if the same had been issued, negotiated, concluded, made, done, transacted, or executed, respectively, by the Governor-General in Council at *Fort William*, or by the President or Governor in Council at *Fort William*, or by the President or Governor in Council of *Fort Saint George*, or by the President or Governor in Council of *Bombay*, under the Order or Direction of the Governor-General in Council of *Fort William* aforesaid respectively; any Law or Statute to the contrary thereof in anywise notwithstanding.

Earl Cornwallis may issue Orders to the Servants of the United Company without previously communicating them to the respective Governors and Councils, &c.

III. And be it further enacted by the Authority aforesaid, That if the said *Charles* Earl *Cornwallis* shall, during the Time aforesaid, judge it necessary to issue any Orders or Directions to any of the Servants of the said United Company, acting under the Authority of the respective Presidencies aforesaid, without previously communicating such Orders and Directions to the respective Governors and Councils of the several Presidencies under the Authority of which such Servants shall be acting, such Servants respectively shall, and they are hereby required to obey the same; and the said *Charles* Earl *Cornwallis* shall, and he is hereby required to transmit, by the first Opportunity, to the Governors and Councils of the respective Presidencies within which such Orders and Directions are to be executed, Copies of all such Orders and Directions respectively as shall be so given, together with the Reasons, set forth in Writing, which to him made it appear necessary to issue such Orders and Directions without such Communication as aforesaid, and shall also in like Manner transmit other Copies of the same, with the Reasons aforesaid, to the Court of Directors of the said United Company.

Duration of the Powers hereby given;

IV. And be it further enacted by the Authority aforesaid, That all and every the Powers hereby given to the said *Charles* Earl *Cornwallis* shall have Continuance until Three Months after the Termination of the said War, or until the Return of the said *Charles* Earl *Cornwallis* to *Fort William* aforesaid, or until his Departure from *India* for *Europe*.

which are to devolve to the Successor to Lord Cornwallis.

V. And be it further enacted by the Authority aforesaid, That all and every the Powers by this Act given to the said *Charles* Earl *Cornwallis*, shall and may, on the Death, Resignation, Recall, or Departure from *India*, of the said *Charles* Earl *Cornwallis*, be exercised by Major-General *William Meadows*, in case he should succeed to the said Offices of Governor-General, and Commander in Chief of all the Company's Forces in *India*, or by any other Person who shall succeed to the said Offices of Governor-General, and Commander in Chief, in like Manner, and under the like Restrictions, as the same may be exercised by the said *Charles* Earl *Cornwallis* by Virtue of this Act.

Powers may be revoked by the Court of Directors, with the Approbation of the Commissioners for the Affairs of India.

VI. Provided always, and it is hereby enacted, That it shall and may be lawful for the Court of Directors of the United Company of Merchants trading to the *East-Indies*, with the Approbation of the Commissioners for the Affairs of *India*, to revoke and determine by an Instrument under their Common Seal, the said Powers hereby given to the said *Charles* Earl *Cornwallis*, at any Time when they shall judge it expedient and necessary, and that the same shall be revoked and determined accordingly, on the Receipt of such Instrument as aforesaid, by the said *Charles* Earl *Cornwallis*, or by such Person as shall be appointed to or shall succeed the said *Charles* Earl *Cornwallis*, in the said Offices of Governor-General, and Commander in Chief.

32 GEORGII III. Cap. IX.

An Act for repealing certain Regulations with Respect to Certificates on exporting Tea to Ireland *or* America.

Preamble: 21 *Geo.* 2. *c.* 14. recited.

WHEREAS by an Act, made in the twenty-first Year of the Reign of his late Majesty King *George* the Second, *for permitting Tea to be exported to* Ireland, *and his Majesty's Plantations in* America, *without paying the Inland Duties*, the Proprietor or Proprietors of Tea, imported into the Kingdom of *Great-Britain* from foreign Parts, and afterwards exported to the Kingdom of *Ireland*, or to his Majesty's Plantations in *America*, according to the Rules, Regulations, and Provisions mentioned in that Act, or the Person or Persons appointed by such Proprietor or Proprietors to make Entry thereof, are required, in Manner therein mentioned, to produce to the Warehouse-keeper or Warehouse-keepers, mentioned in the said Act, a Certificate under the Hands of the Commissioners of Inland Duties upon Tea, or any three of them, that such Security for Exportation hath been given as therein is mentioned; and which Certificate or Certificates the said Commissioners are by the said Act required to give accordingly: And whereas the requiring such Certificate or Certificates can answer no good Purpose, and it is therefore expedient that no such Certificate should in Future be granted or required; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, from and after the fifth Day of *July*, one thousand seven hundred and ninety-two, no such Proprietor or Proprietors, or other Person or Persons shall be required to produce any such Certificate, nor shall any such Certificate, from and after the said fifth Day of *July*, one thousand seven hundred and ninety-two, be granted under the Hands of the said Commissioners, or any of them; and from and after the said fifth Day of *July*, one thousand seven hundred and ninety-two, such Warehouse-keeper or Warehouse-keepers shall deliver out of such Warehouse or Warehouses to such Proprietor or Proprietors, or other Person or Persons for Exportation, such Tea as is by the said Act authorized to be exported, subject and according to all and singular the Rules, Regulations, Restrictions, and Provisions (other than and except the Production of such Certificate or Certificates as aforesaid) contained in the said Act, or any other Act of Parliament in Force relating thereto.

From July 5, 1792, the Certificates required by the recited Act, no longer to be produced.

33 GEORGII III. Cap. XLVII.

An Act for placing the Stock called East-India Annuities *under the Management of the Governor and Company of the Bank of* England, *and ingrafting the same on the three Pounds* per Centum *Reduced Annuities, in Redemption of a Debt of four millions two hundred thousand Pounds, owing by the Public to the* East-India *Company; and for enabling the said Company to raise a Sum of Money, by a further Increase of their Capital Stock, to be applied in Discharge of certain Debts of the said Company.*— [7*th* June 1793.]

Preamble.

WHEREAS there is now due and owing by the Public to the United Company of Merchants of *England* trading to the *East-Indies* the several Sums of three millions two hundred thousand Pounds, and one million, making together the Sum of four millions two hundred thousand Pounds, attended with an Annuity or an Interest, after the Rate of three Pounds *per Centum per Annum*, amounting to the Sum of one hundred and twenty-six thousand Pounds, redeemable by Parliament, and upon the Credit thereof, and by Virtue of an Act made in the twenty-third Year of King *George* the Second, the said United Company have sold certain Annuities, distinguished by the Name of *East-India Annuities*, transferrable at the Office of the said United Company in *London*, to an Amount of two millions nine hundred and ninety-two thousand four hundred and forty Pounds, and five Shillings, bearing an Interest after the like Rate of three Pounds

23 *Geo.* 2. *c.* 22.

per

27 Geo. 3. c. 13.

The East-India Annuities to be transferred from the Management of the East-India Company, to the Bank, and Consolidated with the 3 per Cent. Reduced Annuities, &c.

per Centum, amounting to eighty-nine thousand seven hundred and seventy-three Pounds and four Shillings *per Annum*, redeemable by the Public; and the Residue of the said Debt, amounting to one million two hundred and seven thousand five hundred and fifty-nine Pounds and fifteen Shillings, bearing a like Interest of three Pounds *per Centum per Annum*, amounting to thirty-six thousand two hundred and twenty-six Pounds and sixteen Shillings, is the Property of the said Company, subject to any Incumbrances by them made thereon: And whereas, by an Act made in the twenty-seventh Year of his present Majesty's Reign, the said Annuity or Interest of one hundred and twenty-six thousand Pounds *per Annum*, together with the Charges and Allowances payable to the said United Company for the Management of the Annuities so sold by them, amounting to one thousand six hundred and eighty-seven Pounds *per Annum*, stand charged and chargeable upon a Fund erected and established by the said last-mentioned Act, called *The Consolidated Fund*: And whereas it will be for the mutual Convenience and Advantage of the Public and of the said United Company, and also of the Holders of the Annuities so sold as aforesaid, that the said four millions two hundred thousand Pounds, and the said Annuity of one hundred and twenty-six thousand Pounds, payable in Respect thereof, should, with the Consent of the said Company and of the said Annuitants, be transferred and placed under the Management of the Governor and Company of the Bank of *England*, and be engrafted upon and consolidated with the Annuity Stock called *Three Pounds per Centum Reduced Annuities*, payable and transferrable at the Bank of *England*, charged and chargeable upon the said Consolidated Fund, but to continue subject to Redemption by the Public: May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Annuities so sold by the said United Company, amounting to the Sum of two millions nine hundred and ninety-two thousand four hundred and forty Pounds and five Shillings Capital, being Part of the said Debt of four millions two hundred thousand Pounds, and the Annuity or Interest of eighty-nine thousand seven hundred and seventy-three Pounds and four Shillings, payable to the Holders of the said Annuities in Respect thereof, with the Consent of the said Holders respectively, and also the said Annuities to the Amount of one million two hundred and seven thousand five hundred and fifty-nine Pounds and fifteen Shillings Capital, Residue of the said Debt of four millions two hundred thousand Pounds, and the Annuity or Interest of thirty-six thousand two hundred and twenty-six Pounds and sixteen Shillings, payable to the said United Company in Respect thereof, shall, from and after the thirty-first Day of *August*, one thousand seven hundred and ninety-three, be transferred from the Management of the said United Company, at their Office, to the Bank of *England*, and be placed under the Management of the Governor and Company of the said Bank, and be engrafted upon and consolidated with the Stock usually distinguished by the Name of *Three Pounds per Centum Reduced Bank Annuities*, and that such Ingraftment and Consolidation shall be deemed and taken to be a Redemption of the said several Loans or Debts of three millions two hundred thousand Pounds, and one million, making together four millions two hundred thousands Pounds, as between the Public and the said United Company, under the said recited Act, and the same shall be accepted by the said Company, and by the Holders of the said Annuities by them sold as aforesaid, in full Satisfaction thereof respectively; and that from thenceforth the said Annuities or Annual Interest of eighty-nine thousand seven hundred and seventy-three Pounds and four Shillings, and thirty-six thousand two hundred and twenty-six Pounds and sixteen Shillings respectively, making together one hundred and twenty-six thousand Pounds *per Annum*, shall remain and continue charged and chargeable upon the said Consolidated Fund, and be issued half-yearly by the Exchequer to the Chief Cashier or Cashiers of the Governor and Company of the Bank of *England*, together with and as a Party of the Annuity or Interest of the said Stock, called *Three Pounds per Centum Reduced Annuities*, for the Use of the said United Company, and of the Holders of the said Annuities so sold as aforesaid respectively, according to their respective Shares and Proportions thereof, and be no longer issued or paid at the Exchequer to the said United Company, or by the said United Company to the said Annuitants; and that from and after such Ingraftment or Consolidation, the said several Annuities, amounting to four millions two hundred thousand Pounds Capital, and the said Interest payable in Respect thereof, shall be converted into, and be deemed, taken, and received as Part and Parcel of the said three Pounds *per Centum* Reduced Bank Annuities, and be incorporated therewith, and be by that Name transferred and transferrable by the said United Company, and the Holders thereof, and their Assigns, according to their Shares and Interests therein, and by no other Name or Title whatever; and that all and every the Clauses and Provisions contained in any Act or Acts relating to the said three Pounds *per Centum* Reduced Bank Annuities, or the Capital Stock known by that Name, and now in Force, shall be deemed to

to extend and be applicable in all Matters and Things whatever to the said Annuities by this Act directed to be ingrafted thereon, and consolidated therewith, redeemable nevertheless by the Public, in like Manner and in no other Manner than as the said Three Pounds *per Centum* Reduced Bank Annuities may by Law be redeemed; and that the Power of Redemption reserved to the said United Company, in Respect of their said Share and Proportion of the said Annuities, in and by an Act of the twenty-sixth Year of his Majesty's Reign, intituled, *An Act to enable the* East-India *Company to raise Money by a Sale of Annuities, and by increasing their Capital Stock*, or by an Act made in the thirty-first Year of his Majesty's Reign, for removing any Doubt respecting the Sale or Mortgage of Annuities under the said last-mentioned Act, shall from thenceforth be repealed, and that the said Allowance of one thousand six hundred and eighty-seven Pounds for the Management thereof shall from thenceforth cease and be discontinued, any Act or Acts to the contrary thereof in anywise notwithstanding.

Power of Redemption of Annuities by the East-India Company annulled, and Allowance for Management to cease.

II. And be it further enacted by the Authority aforesaid, That the Holders or Proprietors of the said Annuities so sold by the said United Company, who shall not, on or before the said thirty-first Day of *August*, one thousand seven hundred and ninety-three, signify their Dissent to the said Ingraftment and Consolidation thereof with the said Reduced Bank Annuities, in a Book to be opened at the Bank of *England* for the Entry of any such Dissents which shall be offered, shall be deemed and taken to have assented thereto, any Thing in any Act or Acts to the contrary notwithstanding.

Annuitants who shall not enter their Dissents at the Bank by August 1, 1793, to be deemed to have assented to the Consolidation,

III. Provided always, and be it further enacted, That if any of the said Annuitants shall, within the Time aforesaid, enter, or cause to be entered, in the said Book, his, her, or their Dissent to their respective Shares of the said *East-India* Annuities being ingrafted upon the said Three Pounds *per Centum* Reduced Bank Annuities in Manner aforesaid, then and in such Case the several and respective Shares of the Persons so dissenting shall continue to be managed and transferred, as if this Act had not been made, and the Annuity or Dividend payable to them in Respect thereof shall continue to be paid by the said United Company to the Persons so dissenting, entitled thereto, until their respective Shares of the said Annuities shall have been subscribed into the said Three Pounds *per Centum* Bank Annuities (which it shall be lawful for the Persons entitled to the same from Time to Time to do, by Transfers from the Books of the said United Company to the Books at the Bank of *England*, when and as they shall be minded or think fit); and that the Annuity or Dividend so paid by the said United Company shall from Time to Time be repaid by the said Governor and Company of the Bank to the said United Company, or one of their principal Cashiers or Treasurers, whose Receipt for the same shall be a full and sufficient Discharge for such Payment or Payments, any Thing herein-before contained to the contrary thereof notwithstanding.

but the Annuities of such as dissent to be continued to be paid by the Company, and repaid by the Bank.

IV. Provided also, and be it further enacted, That as well the Share and Proportion of the said Capital Sum of four millions two hundred thousand Pounds, belonging to the said United Company, and the Interest or Annuity payable in Respect thereof, as the Share and Proportion thereof, belonging to the said other Holders thereof respectively, shall severally remain and continue, after the said Ingraftment and Consolidation thereof with the said Reduced Bank Annuities, subject and liable to such and the same Uses, Trusts, Mortgages, Settlements, and Incumbrances, as the same shall or may, at the Time of such Ingraftment and Consolidation, be subject and liable to, or as the same would have been subject or liable to, (otherwise than as by this Act is expressly altered, provided, or repealed), in Case this Act had not been made; and that the several Powers and Authorities vested in or given to the said United Company by any Act or Acts now in Force, to sell or mortgage, or otherwise to dispose of their said Share and Proportion of the said Annuities or capital Sum of four millions two hundred thousand Pounds, and the Interest payable in Respect thereof, shall remain and continue in full Force and Effect, to be by the said United Company used, exercised, and enjoyed in Respect of their said Share and Proportion thereof, when ingrafted upon and converted into Reduced Bank Annuities as aforesaid, any Act or Acts to the contrary thereof in anywise notwithstanding.

Annuities, after Consolidation, to continue liable to the same Uses as before, unless hereby altered.

V. And be it further enacted, That the Transfer Books of the said Annuities so sold by the said United Company shall be finally shut by them upon the said thirty-first Day of *August*, one thousand seven hundred and ninety-three, and forthwith delivered over to the Governor and Company of the Bank of *England*, in whose Custody the same shall from thenceforth remain; and that within fourteen Days after the Delivery thereof the said United Company, or their chief Accountant, shall make up and deliver to the said Governor and Company a perfect Account of each respective Arrear of Annuity or Interest due to the Holders or Proprietors thereof, and pay over to the said Governor and Company the Amount of such Arrears, for the Use of the said Holders or

Transfer Books to be shut by the Company on August 1, 1793, and delivered over to the Bank, and Arrears paid over within 14 Days.

or Proprietors entitled thereto, in Order to their being paid the same respectively by the said Governor and Company at the Bank of *England*; the Arrears belonging to the Persons who in Manner aforesaid shall have dissented to the said Ingraftment and Consolidation (if any) only excepted.

Treasury to make Allowance to the Bank for Management of Annuities.

VI. And be it further enacted, That the Commissioners of the Treasury, or the High-Treasurer for the Time being, shall and may make and allow to the said Governor and Company of the Bank of *England* such additional annual Sum, for the Expenses of managing and paying the said Annuities which by this Act shall be transferred to them, as the said Commissioners or High-Treasurer shall think just and reasonable.

Any Share of the Annuities retained by the Company, to be paid them at Par antecedent to the Determination of their exclusive Trade.

VII. Provided always, and be it further enacted, That if the said Company shall retain and keep their Share of the said Annuities, or any Part thereof, until their exclusive Trade in, to, and from the *East-Indies*, and other Parts within the Limits of their Charter, subject to any Limitations or Restrictions, shall be determined by the Authority of Parliament, then, and in such Case, notwithstanding the Consolidation thereof with the said Three Pounds *per Centum* Reduced Bank Annuities, there shall be paid by the Public to the said Company, antecedent to any Determination of the said exclusive Trade, the full Amount of the Capital of the Company's Share of and in the said Three Pounds *per Centum* Reduced Bank Annuities, or so much thereof as the said Company shall have so kept and retained, rating the same at Par, together with all Arrears of Interest, if any shall be due in Respect thereof, any Thing in this Act, or in any other Act, to the contrary notwithstanding.

The Company, with Consent of the Treasury, may add 1,000,000*l.* to their Capital Stock.

VIII. And whereas, in the present Circumstances of the said Company, it is fit and proper that they should be impowered to raise a further Sum of Money, beyond what they are authorized by Law to raise for the Purposes to which the same is herein-after directed to be applied; and it is expedient that such Money should be raised by a further Increase of their Capital Stock: Be it further enacted, That it shall and may be lawful to and for the said Company, and they are hereby authorized and impowered, by and with the Consent and Approbation of the Commissioners of his Majesty's Treasury for the Time being, or any three or more of them, or of the High-Treasurer for the Time being, at any Time or Times hereafter, to open Books, and to receive Subscriptions from any Person or Persons, Natives or Foreigners, Bodies politic or corporate, for enlarging their present Capital Stock or Fund of five millions to any Sum not exceeding the further Sum of one million Capital Stock, so as to make their whole capital Stock the Sum of six millions; which said additional Capital Stock shall be subscribed and paid for at the Rate of two hundred Pounds for every one hundred Pounds of such Stock, or at such other Rate as the Court of Directors of the said Company, with the Consent and Approbation of the Commissioners of his Majesty's Treasury for the Time being, or any three or more of them, or of the High-Treasurer for the Time being, shall direct; which said Subscription shall be made, and the Money for the said additional Stock shall be paid, in such Manner and Form, and by such Instalments and Proportions, as the said Court of Directors, with such Consent and Approbation as aforesaid, shall appoint, and the Capital Stock so subscribed and paid for shall from and after the Time of such Payment be deemed, considered, and taken as and for a Part of the Capital Stock of the said Company; and the said Subscribers, from and after the Time of making full Payment for the said additional Stock, and their respective Executors or Administrators, and Assigns, shall at all Times be deemed and reputed to be Members of the said Company, and incorporated therewith, and shall be intitled unto, and have, hold, and enjoy all and every the Profits, Benefits, Privileges, Advantages, and Immunities, and be subject and liable to all and every the Regulations, Rules, and Orders, whereto the present Stock-holders and Members of the said Company, in Respect of the Stock held by and belonging to them, are respectively intitled, subject and liable unto, by any Act or Acts of Parliament, Charter, or Bye Law, or otherwise howsoever; and the said additional Stock shall be transferrable and assignable, and the Proprietors and Holders thereof shall hold their respective Shares of the said additional Stock, in like Manner respectively as the present Stock-holders of the said Company now do, and hereafter shall hold and enjoy the respective Sums belonging or to belong to them in the present Capital Stock of the said Company, and the same shall in all Respects be consolidated and united into one joint Capital Stock.

Subscribers to be incorporated with the Company.

The like Dividends to be paid on additional Stock as on the present.

IX. And be it further enacted, That the said Company shall and may, from Time to Time, make and pay the like Dividends to the Proprietors of the said additional Stock as they now do, or hereafter shall and may lawfully make and pay to the Proprietors and Holders of the present Stock of the said Company, the first of which said Dividends shall commence from such Time as shall be specified in the Proposals or Terms to be offered for the said Subscription by the said Court of Directors, with such Consent and Approbation as aforesaid.

X. Provided

Preference in subscribing to be given to the present Proprietors, not exceeding 50*l.* per Cent. on their Capitals.

X. Provided nevertheless, and be it further enacted, That it shall and may be lawful to and for the said Court of Directors, with such Consent and Approbation as aforesaid, to give the Option and Preference in subscribing for the said additional Stock to such Persons as shall hold the said Company's Stock at the Time or Times of such Subscription as aforesaid, as far as, and not exceeding, the Amount of fifty Pounds *per Centum* on the Capital Stock which shall then be held by each Stock-holder so subscribing, for all such Sums as they shall subscribe on or before the twentieth Day of *June*, one thousand seven hundred and ninety-three; and in Case the Subscription made by them, on or before that Day and Year, shall exceed the Sum proposed to be sold at that Time, a proportionable Deduction shall be made from each Subscription; and if such Subscription shall, on the Close thereof, on the Day and Year last before-mentioned, fall short of the Sum proposed to be sold, the Deficiency shall be disposed of to other Persons in such Manner as the said Court of Directors, with such Consent and Approbation as aforesaid, shall think fit.

If the Subscription by Proprietors be more than sufficient, a proportionable Deduction to be made, and if less, the Deficiency may be disposed of to other Persons.

The Additional Stock, with the Consent of the Treasury, may be sold to one or more Persons.

XI. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to hinder or restrict the Court of Directors of the said Company, by and with such Consent and Approbation as aforesaid, from agreeing with one or more Person or Persons, Bodies politic or corporate, for the Sale of the Whole of the said additional Capital Stock, or for such Part or Parts thereof as they shall from Time to Time think fit, and find it necessary and proper to sell; but it shall and may be lawful for the said Court, with such Consent and Approbation as aforesaid, to contract for and agree to sell the Whole or any Part thereof to one or more Person or Persons.

Receipts to be given for Deposits, which may be assigned, &c.

XII. And be it further enacted, That, as soon as reasonably may be, after the Deposit or first Payment shall be made for the said additional Stock to be subscribed for, the said Company's Cashier or Treasurer shall give a Receipt for the same, and so from Time to Time as future Payments shall be made, which said Receipts shall be assignable and transferrable by Indorsement thereon; and when the first Payment shall be made on the said additional Stock to be subscribed for, as aforesaid, the Holder of such Receipts, on delivering up the same, shall have his or her Name entered in proper Books to be kept by the said Company for that Purpose, with an Account of the Capital Stock belonging to each Proprietor, in like Manner as the Accounts of the present Proprietors of *India* Stock are kept.

Deposits of Defaulters to be forfeited.

XIII. Provided always nevertheless, and be it further enacted, That if any Subscriber or Subscribers, after having subscribed, shall fail in making all or any the Payments agreed, at the respective Times for such Payments, then and in every such Case the said Company shall and may take in Subscriptions for and sell the Stock subscribed for by such Defaulter to any other Person or Persons; and all Deposits and Payments made by such Defaulter or Defaulters, previous to such Default, shall be forfeited to and become the Property of the said Company.

Subscriptions to be applied in Reduction of Bond Debts in Great-Britain, &c.

XIV. And be it further enacted, That out of the Monies to arise by the said Subscriptions, the said Company shall in the first Place apply so much thereof as shall be sufficient for the Purpose in reducing their Bond Debt in *Great-Britain* to the Sum of one million five hundred thousand Pounds, and after such Reduction made, or a sufficient Sum set apart and reserved for that Purpose, that the said Company shall and may apply and dispose of the Residue of the Monies arising by the said Subscriptions in the Discharge of such other Debts due or coming due from them as they shall think fit.

Bond Debt when reduced, not to be increased, without the Approbation of the Commissioners for the Affairs of India.

XV. And be it further enacted, That after the said Bond Debt shall have been reduced to one million five hundred thousand Pounds, as aforesaid, it shall not be lawful for the said Company again to increase their said Bond Debt in *Great-Britain* beyond that Amount, except with the Approbation of the Board of Commissioners for the Affairs of *India*, for that Purpose in Writing first had and obtained; and that the whole Increase to be made to the said Bond Debt shall in no wise exceed the Sum of five hundred thousand Pounds, any Act or Acts to the contrary thereof notwithstanding.

Public Act.

XVI. And be it further enacted, That this Act shall be deemed and taken to be a Public Act.

33 GEORGII III. Cap. LII.

An Act for continuing in the East-India *Company, for a further Term, the Possession of the* British *Territories in* India, *together with their exclusive Trade, under certain Limitations; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same; for appropriating to certain Uses the Revenues and Profits of the said Company; and for making Provision for the good Order and Government of the Towns of* Calcutta, Madras, *and* Bombay.—[11*th* June 1793.]

Preamble.

21 Geo. 3. c. 65.

WHEREAS it is expedient that the exclusive Trade of the United Company of Merchants of *England* trading to the *East-Indies*, within the Limits of their Charter, which, by an Act, made in the twenty-first Year of his Majesty's Reign, for establishing an Agreement with the said Company, and other Purposes, was continued to them for a Term thereby limitted, should be further continued to them and their Successors, under certain Limitations and Restrictions, for a Term of twenty Years, to be computed from the first Day of *March*, one thousand seven hundred and ninety-four, liable to be discontinued at or after the End of such Period, upon three Years' Notice previously given by Parliament for that Purpose; and that during the said further Term all the territorial Acquisitions obtained in the *East-Indies*, which, by an Act made in the seventh Year of his Majesty's Reign, for establishing an Agreement for the Payment of a certain annual Sum for a limited Time by the said Company, in Respect of the said Acquisitions, and the Revenues thereof, and by subsequent Acts, were continued in the Possession of the said Company, together with the territorial Acquisitions lately obtained there, with the Revenues of the same respectively, should remain in the Possession of the said Company, without Prejudice to the Claims of the Public, or of the said Company, subject to such Powers and Authorities for the Superintendance, Direction, and Controul over all Acts, Operations, and Concerns, which relate to the civil or military Government or Revenues of the said Territories, as have been already made or provided by any Act or Acts of Parliament in that Behalf, or to such further Powers, and under and subject to such other Rules, Regulations, and Restrictions, relating to or concerning the said civil Government, and the Appropriation of the said Revenues, as shall be now made and provided by the Authority of Parliament: May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said territorial Acquisitions in the said former Acts mentioned, together with the territorial Acquisitions lately obtained in the *East-Indies*, with the Revenues thereof respectively, shall remain and continue in the Possession of the said United Company for and during the further Term by this Act granted to them in the said exclusive Trade, subject nevertheless to the several Regulations and Provisions in this Act contained.

7 Geo. 3. c. 57.

Territorial Acquisitions, with the Revenues to continue in Possession of the East-India Company for a further Time.

His Majesty may appoint Commissioners for the Affairs of India.

II. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for his Majesty, his Heirs and Successors, by any Letters Patent, or by any Commission or Commissions to be issued under the Great Seal of *Great-Britain*, from Time to Time to nominate, constitute, and appoint, during his or their Pleasure, such Members of the Privy Council (of whom the two principal Secretaries of State, and the Chancellor of the Exchequer for the Time being, shall always be three), and such other two Persons as his Majesty, his Heirs or Successors, shall think fit to be, and who shall accordingly be and be styled *Commissioners for the Affairs of India*.

Three Commissioners may form a Board, &c.

III. And be it further enacted, That any three or more of the said Commissioners shall and may form a Board, for executing the several Powers which by this Act, or by any other Act or Acts, are or shall be given to or vested in the said Commissioners; and that the first named Commissioner in any such Letters Patent or Commission for the Time being shall be the President of the said Board; and that when any Board shall be formed in the Absence of the President, the Commissioner whose Name shall stand next in the Order of their Nomination in the said Commission, of those who shall be present, shall for that Turn preside at the said Board.

President to have the casting Vote.

IV. And be it further enacted, That if the Commissioners present at any Board shall be equally divided in Opinion, in Respect to any Matter by them discussed, then and on every such Occasion the President, or in his Absence the Commissioner acting as such, shall have two Voices, or the casting Vote.

V. And

Board may appoint Officers.

V. And be it further enacted, That the said Board of Commissioners shall and may nominate and appoint such Secretaries and Officers as shall be necessary to attend upon the said Board, who shall be subject to Dismission at the Pleasure of the said Board; and that the Proceedings of the said Commissioners shall be entered in proper Books; and that as well the said Commissioners, or such and so many of them as his Majesty shall think fit, as likewise their Secretaries and other Officers, shall be paid such fixed Salaries as his Majesty shall, by any Warrant or Warrants under his Sign Manual, countersigned by the Chancellor of the Exchequer for the Time being, direct; and that in the mean Time the Salaries and Allowances already granted to the Secretaries and Officers of the present Board of Commissioners for the Affairs of *India* shall be continued, all which Salaries, together with all other contingent Charges and Expenses to be incurred by the said Board, shall be paid and defrayed quarterly by the said Company, and deemed and taken as Part of their commercial Charges, the quarterly Amount thereof being first settled and allowed by the said Board, and certified by the President or acting President of the said Board for the Time being, to the Court of Directors of the said Company: Provided always, that the Whole of the Salaries to be paid to the Members of the said Board shall not exceed the Sum of five thousand Pounds in any one Year; and that the Whole of the Salaries, Charges, and Expenses of the said Board, exclusive of the Salaries of the Members of the said Board, shall not exceed the Sum of eleven thousand Pounds in any one Year.

Salaries to be fixed by his Majesty, &c.

The whole Salaries to Members of the Board not to exceed 5,000l. annually, &c.

Commissioners to take the following Oath.

VI. Provided also, and be it further enacted, That the said Commissioners, before they shall proceed to Act in Execution of any of the Powers or Authorities vested in them (save only the Power of administering the Oath after mentioned) shall severally take and subscribe the following Oath; (that is to say):

Oath.

"I A. B. *do faithfully promise and swear, That as a Commissioner or Member of the Board for the Affairs of* India, *I will give my best Advice and Assistance for the good Government of the* British *Possessions in the* East-Indies, *and the due Administration of the Revenues of the same, according to Law, and will execute the several Powers and Trusts reposed in me according to the best of my Skill and Judgment, without Favor or Affection, Prejudice or Malice, to any Person whatever.*"

Which Oath any two of the said Commissioners shall and are hereby empowered to administer to the others of them, or any of them; and the said Oath shall be entered by their chief Secretary amongst the Acts of the Board, and be duly subscribed and attested by the said Commissioners, at the Time of their taking and administering the same to each other respectively.

Officers to take Oaths.

VII. And be it further enacted, That the several Secretaries and other Officers of the said Board shall also take and subscribe, before the said Board, such Oath of Secrecy, and for the Execution of the Duties of their respective Stations, as the said Board shall direct.

6 Annæ, c. 7.

VIII. And for obviating any Doubt which might otherwise arise, how far the Office or Appointment of a Commissioner of the said Board for the Affairs of *India*, by Virtue of this Act, or of the Chief Secretary to the said Board, be within any of the Provisions contained in an Act of the Sixth Year of the Reign of Queen *Anne*, intituled, *An Act for the Security of Her Majesty's Person and Government, and of the Succession to the Crown of Great-Britain, in the Protestant Line*, or how far the Appointment of any such Commissioner or Secretary, being a Member or Members of the House of Commons, shall vacate his or their Seat or Seats in that House, be it further enacted and declared, That the said respective Offices, Places, or Appointments of a Commissioner or Chief Secretary of the said Board for the Affairs of *India*, to be made under the Authority of this Act, shall not be deemed or taken to be within the Intent or Purview of the said Act of the sixth Year of Queen *Anne*, whereby to disqualify any such Commissioner or Chief Secretary from being elected, or sitting or voting as a Member of the House of Commons; nor shall the Appointment of any such Commissioner, not having any special Salary annexed to such Appointment, or the said Chief Secretary, if a Member or Members of the House of Commons, vacate his or their Seat or Seats in the said House; any Thing contained in the said Act of the sixth Year of Queen *Anne*, or in any other Act, to the contrary notwithstanding.

Appointments of Commissioner, or Chief Secretary not to disqualify from being elected to Parliament, &c.

Board to superintend all Concerns relating to the civil or military Government or Revenues in the East-Indies.

IX. And be it further enacted, That the said Board of Commissioners shall by force and virtue of this Act have and be invested with full Power and Authority to superintend, direct, and controul all Acts, Operations, and Concerns which in any Wise relate to or concern the civil or military Government or Revenues of the said Territories and Acquisitions in the *East-Indies*, subject

subject nevertheless to such Directions, Rules, Regulations, and Restrictions, and to such Appropriations of the said Revenues, as are by this Act made, provided, or established, and not otherwise, or in any other Manner, any former Act or Acts to the contrary notwithstanding.

Commissioners or their Officers to have Access to the Books of the Company, &c.

X. And be it further enacted, That the said Commissioners, or any of them, or their Chief Secretary, or any other of the Officers of the said Board, by the Order and Authority of the said Board, shall have free Access to the Books, Papers, Letters of Correspondence, Evidences, and other Records of the said Company, and be assisted by the proper Officers of the said Company in their Searches for the same, and furnished, by and at the Expense of the said Company, with Copies or Extracts of so many or such Parts thereof respectively as the said Board shall require.

Court of Directors to deliver to the Board, Copies of all Proceedings; and of Dispatches received relating to the civil or military Government or Revenues.

XI. And be it further enacted, That the Court of Directors of the said Company for the Time being shall, and they are hereby required, from Time to Time, to deliver to the said Board Copies of all Minutes, Orders, Resolutions, and Proceedings of all Courts of Proprietors, General or Special, and of all Courts of Directors, within eight Days after the holding of such Courts respectively, and also Copies of all Letters, Advices, and Dispatches which shall at any Time or Times be received by the said Court of Directors, or any Committee of Directors, from the *East-Indies*, or from any other of their Settlements or Factories within the Limits of their exclusive Trade, or from any of the Servants of the said United Company, stationed at *Saint Helena*, *Bussora*, *Suez*, *Aleppo*, or other Parts beyond the Seas, in any Wise relating to or concerning the civil or military Government, or the Revenues of the said Territories and Acquisitions in *India*, immediately after the Arrival and Receipt thereof.

Orders relating to civil or military Government or Revenues, to be submitted to the Consideration of the Board, who may alter the same &c.

XII. And be it further enacted, That no Orders or Instructions whatever relating to the civil or military Government or Revenues of the said territorial Acquisitions in *India*, shall be at any Time sent or given to any of the Governments or Settlements in *India*, by the Court of Directors of the said United Company, or by any Committee of the said Directors, until the same shall have been submitted to the Consideration of and approved by the said Board; and for that Purpose that Copies of all Orders and Instructions which the said Court of Directors, or any Committee of the said Directors, shall propose to be sent to *India*, shall be by them previously laid before the said Board; and that within the Space of fourteen Days after the Receipt of such proposed Dispatches the said Board shall either return the same to the said Court of Directors, or Committee of Directors, with their Approbation thereof certified under the Hand of the chief Secretary to the said Board, by the Order of the said Board, or if the said Board shall disapprove, alter, or vary in Substance any of such proposed Orders or Instructions, in every such Case the said Board shall give to the said Directors in Writing, under the Hand of the chief Secretary of the said Board, by Order of the said Board, their Reasons at large in Respect thereof, together with their Instructions to the said Directors in Relation thereto; and that the said Directors shall, and they are hereby required forthwith to dispatch and send the Letters, Orders, and Instructions, in the Form approved by the said Board, to the proper Governments or Officers in *India*, or other Limits, without further Delay, unless on any Representation made to them by the said Directors, the said Board shall order any Alterations to be made therein; and that the Directors of the said Company for the Time being shall, and are hereby required to pay Obedience to, and shall be governed and bound by, such Orders and Instructions as they shall from Time to Time receive from the said Board of Commissioners, touching or concerning the civil and military Government of the said Territories and Acquisitions, and the Revenues of the same, according to the Tenor and true Intent of this Act.

Directors may make Representations touching Orders altered or disapproved by the Board.

XIII. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to restrict or prohibit the said Directors from expressing by Representation in Writing to the said Board, such Remarks, Observations, or Explanations as shall occur, or they shall think fit, touching or concerning any Letters, Orders or Instructions, which shall have been varied in Substance, or disapproved by the said Board; and that the said Board shall, and they are hereby required, to take every such Representation, and the several Matters therein contained or alleged, into their Consideration, and to give such further Orders or Instructions thereupon as they shall think fit and expedient; which Orders or Instructions shall be final and conclusive upon the said Directors.

Board not to nominate any of the Servants of the Company.

XIV. Provided also, and be it further enacted and declared, That nothing in this Act contained shall extend to give to the said Board of Commissioners the Power of nominating or appointing any of the Servants of the said United Company, any Thing herein contained to the contrary notwithstanding.

XV. And

If the Directors neglect to frame Dispatches beyond 14 Days after Requisition, the Board may prepare Instructions, and the Directors shall forward them to India.

XV. And be it further enacted, That whenever the Court of Directors of the said United Company shall neglect to frame, and to transmit to the said Board, Dispatches on any Subject connected with the civil or military Government of the said Territories and Acquisitions, or with the Revenues thereof, beyond the Space of fourteen Days after Requisition made to them by Order of the said Board, it shall and may be lawful to and for the said Board to prepare and send to the said Directors (without waiting for the Receipt of the Copies of Dispatches intended to be sent by the said Directors) any Orders or Instructions for any of the Governments or Presidencies in *India*, concerning the civil or military Government of the said Territories, or the Revenues thereof: and the said Directors shall, and they are hereby required to transmit Dispatches, according to the Tenor of the said Orders and Instructions so transmitted to them by the said Board, unto the respective Governments and Presidencies in *India*, unless, on any Representation made by the said Directors to the said Board, touching such Orders or Instructions, the said Board shall direct any Alteration to be made in the same; which Directions the said Court of Directors shall, in such Case, be bound to conform to.

Board to issue Orders relative to the civil or military Government, or the Revenues only; and if the Directors think they do not relate to them, they may petition his Majesty.

XVI. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to give to the said Board of Commissioners any Power or Authority to issue or send any Orders or Instructions, which do not relate to Points connected with the civil or military Government, or Revenues of the *British* Territories or Possessions in *India*, nor to expunge, vary, or alter any Dispatches proposed by the said Court of Directors as aforesaid, which do not relate to the said Government or Revenues; and that if the said Board shall send any Orders or Instructions to the said Court of Directors, to be by them transmitted, which in the Opinion of the said Court of Directors shall relate to Points not connected with the said civil or military Government, or Revenues, then and on any such Occasion it shall be lawful for the said Court of Directors to apply by Petition to his Majesty in Council touching the same, and his Majesty in Council shall decide how far the same be or be not connected with the civil or military Government and Revenues of the said Territories and Possessions in *India*, which Decision shall be final and conclusive.

Board not to direct the Increase of established Salaries unless proposed by the Directors, and laid before Parliament;

XVII. Provided also, and be it further enacted, That it shall not be lawful for the said Board to give or cause to be given any Directions, ordering or authorizing by any Dispatches to be sent to *India*, the Increase of the established Salaries, Allowances, & Emoluments of any Governor-General, Governor, or President, or Member of Council of any of the Presidencies and Settlements there, or of any other Officer in the Service of the said Company, beyond the Amount to which the same now stands fixed by the Orders which have been sent to *India*, unless such Increase shall be specified and contained in some Dispatch proposed by the said Court of Directors to be sent to *India*, and transmitted by them to the said Board for their Approbation, and unless an Account of the actual Salaries, Allowances, and Emoluments of such Governor-General, Governor, or President, or Member of Council, or other Officer respectively, and of the Increase proposed to be made therein, with the Reasons for such Increase, shall have been laid before both Houses of Parliament thirty Days before such Dispatch shall be sent.

nor to direct any Gratuity, but such as shall be proposed by the Directors, &c.

XVIII. Provided also, and be it further enacted, That it shall not be lawful for the said Board to give or cause to be given any Direction for the Payment of any extraordinary Allowance or Gratuity from the said Revenues to any Person, on Account of Services performed in *India*, or on any other Account whatever, to any greater Amount, or to any other Person than shall be specified and contained in some Dispatch proposed by the said Court of Directors to be sent to *India*, and transmitted by them to the said Board for their Approbation; and that in every Case where any such Directions shall be so given, a distinct Account of all such Allowances or Gratuities shall be added to the next List of Establishments laid before Parliament by the said Court of Directors.

Board may send Orders to the Secret Committee of Directors, who shall transmit the same to India.

XIX. Provided also, and be it further enacted, That if the said Board of Commissioners shall be of Opinion that the subject Matter of any of their Deliberations concerning the levying War, or making Peace, or treating or negotiating with any of the native Princes or States in *India*, intended to be communicated in Orders to any of the Governments or Presidencies in *India*, shall be of a Nature to require Secrecy, it shall and may be lawful for the said Board to send their Orders and Instructions to the Secret Committee of the said Court of Directors, to be appointed as is by this Act directed, who shall thereupon, without disclosing the same, transmit their Orders and Dispatches, according to the Tenor of the said Orders and Instructions of the said Board, to the respective Governments and Presidencies in *India*; and that the said Governments and Presidencies

cies shall be bound to pay a faithful Obedience thereto, in like Manner as if such Orders and Instructions had been sent to them by the said Court of Directors.

Directors to appoint a Secret Committee, who shall take the following Oath.

XX. And be it further enacted, That the said Court of Directors shall from Time to Time appoint a Secret Committee, to consist of any Number not exceeding three of the said Directors, for the particular Purposes in this Act specified; which said Directors so appointed shall, before they or any of them shall act in the Execution of the Powers and Trusts hereby reposed in them, take an Oath of the Tenor following, (that is to say):

I A. B. do swear, That I will, according to the best of my Skill and Judgment, faithfully execute the several Trusts and Powers reposed in me as a Member of the Secret Committee appointed by the Court of Directors of the United Company of Merchants of England *trading to the* East-Indies; *I will not disclose or make known any of the secret Orders or Instructions which shall be given, communicated or transmitted to me by the Commissioners for the Affairs of* India, *concerning the levying of War, or the making of Peace, or treating or negotiating with any of the native Princes or States of* India, *save only to the other Members of the said Secret Committee, or to the Person or Persons who shall be duly nominated and employed in transcribing or preparing the same respectively, unless I shall be authorized by the said Commissioners to disclose and make known the same.*

So help me GOD.

Which said Oath shall and may be administered by the several and respective Members of the said Secret Committee to each other; and, being so by them taken and subscribed, the same shall be recorded by the Secretary of the said Court of Directors for the Time being amongst the Acts of the said Court.

Dispatches of the Secret Committee to be prepared only by the Secretary, or Examiner of Indian Correspondence, who shall take an Oath of Secrecy.

XXI. And be it further enacted, That if the said Secret Committee, in the Execution of their said Powers and Trusts, shall find it necessary to employ any Person in transcribing or preparing any secret Dispatches, Orders, or Instructions, required to be transmitted by them to *India*, under the Direction of this Act, the said Dispatches, Orders, and Instructions, shall be transcribed and prepared either by the Secretary of the Court of Directors for the Time being, or by the Officer called the Examiner of *Indian* Correspondence for the Time being, and by no other Person or Persons, unless with the Approbation and Consent of the said Board of Commissioners for the Affairs of *India*, for that Purpose first had and obtained; and that as well the said Secretary and Examiner, as every other Person who shall be intrusted with the transcribing or preparing any of such Dispatches, Orders, or Instructions, shall, before they respectively enter upon that Duty, take and subscribe, before any of the Members of the said Secret Committee, an Oath of Secrecy, as near unto the Tenor and Form of the Oath hereinbefore provided and directed to be taken by the Members of the said Secret Committee as the Case will admit; and the Members of the said Committee, or any two of them, are hereby authorized and required to frame and administer such Oath accordingly, and to attest the taking and subscribing of the same by the said Secretary and Examiner, and all other Persons who shall be employed by them as aforesaid, and to cause the same to be recorded amongst the Acts of the said Court of Directors.

Presidencies in India may send Dispatches to the Secret Committee, who shall deliver them to the Board.

XXII. Provided also, and be it further enacted, That when any of the Governments or Presidencies in *India* shall be of Opinion that any of their Dispatches to *Great-Britain*, concerning the Government of the said Territories and Acquisitions, or the levying War, or making Peace, or Negotiations or Treaties with any of the native Princes or States of *India*, shall be of a Nature to require the same to be kept secret, it shall be lawful for the said Governments or Presidencies respectively to address their Dispatches requiring such Secrecy, under Cover, sealed with their Seals, unto the said Secret Committee of Directors of the said Company, for the Inspection of such Committee, and that immediately upon the Arrival of such Dispatches so addressed, the said Secret Committee of Directors shall deliver the same or Copies thereof to the said Board.

Orders of the Directors touching the civil or military Government or the Revenues, after Approbation by the Board, not revocable by the Proprietors.

XXIII. And be it further enacted, That no Order or Resolution of the Court of Directors of the said Company, touching or concerning the civil or military Government or Revenues of the said Territories and Acquisitions in *India*, after the same shall have received the Approbation of

of the Board of Commissioners for the Affairs of *India*, shall be liable to be rescinded, suspended, revoked, or varied by any General Court of Proprietors of the said Company.

Governments of the Presidencies vested in the Governors and three Counsellors respectively.

XXIV. And be it further enacted, That the whole civil and military Government of the Presidency of *Fort William* in *Bengal*, and also the Ordering, Management, and Government of all the territorial Acquisitions and Revenues in the Kingdoms or Provinces of *Bengal*, *Bahar*, and *Orissa*, shall be and are hereby vested in a Governor-General and three Counsellors of and for the said Presidency, subject to such Rules, Regulations, and Restrictions as are made, provided, or established in that Behalf in this Act, or in any other Act or Acts now in Force, and not by this Act repealed or altered; and that the Whole civil and military Government of the Presidency of *Fort Saint George*, on the Coast of *Coromandel*, and the Ordering, Managment, and Government of all the territorial Acquisitions and Revenues on the said Coast, and also so much and such Parts of the Territories and Possessions on the Coast of *Orissa*, with the Revenues of the same, as have been and now are under the Administration of the Government or Presidency of *Fort Saint George*, shall be and are hereby vested in a Governor and three Counsellors of and for the said Presidency of *Fort Saint George*, subject to such Rules, Regulations, and Restrictions as aforesaid; and that the Whole civil and military Government of the Presidency and Island of *Bombay* on the Coast of *Malabar*; and the Ordering, Management, and Government of all the territorial Acquisitions and Revenues on the said Coast of *Malabar*, shall be and are hereby vested in a Governor and three Counsellors of and for the said Presidency and Island of *Bombay*, subject as aforesaid; and the said Governors and Councils of the said Presidencies of *Fort Saint George* and *Bombay* respectively, being also subject to the Superintendance and Controul of the said Governor-General in Council, in Manner by this Act provided or directed in that Behalf, any Act or Acts to the contrary notwithstanding.

Vacancies of Governors, &c. to be filled up by the Directors.

XXV. And be it further enacted, That all Vacancies happening in the Office of Governor-General of *Fort William* in *Bengal*, or of any of the Members of the Council there, or of Governor of either of the Company's Presidencies or Settlements of *Fort Saint George* or *Bombay*, or of any of the Members of the Council of the same respectively, or of Governor of the Forts and Garrisons at *Fort William*, *Fort Saint George*, or *Bombay*, or of Commander in Chief of all the Forces in *India*, or of any Provincial Commander in Chief of the Forces there, all and every of such Vacancies shall be filled up and supplied by the Court of Directors of the said United Company, the Vacancies of any of the said Members of Council being always supplied from amongst the List of Senior Merchants of the said Company, who shall have respectively resided twelve Years in *India* in their Service, and not otherwise, except as is herein-after otherwise provided.

If the Directors neglect to fill up Vacancies, his Majesty may supply them.

XXVI. Provided always, and be it further enacted, That when and so often as the said Court of Directors shall neglect, for the Space of two Calendar Months, to be computed from the Day whereon the Notification of the Vacancy of any Office or Employment in *India*, in the Appointment of the said Court of Directors, shall have been received by the said Court, to supply such Vacancy, then and in every such Case it shall be lawful for his Majesty, his Heirs and Successors, to constitute and appoint, by Writing under his or their Royal Sign Manual (under the same Restrictions and Regulations as are herein-before provided with Respect to the Nominations and Appointments made by the said Court of Directors) such Person to supply such Vacancy as his Majesty, his Heirs and Successors, shall think proper; and that every Person so constituted and appointed shall have and be invested with the same Powers, Privileges, and Authorities as if he or they had been nominated and appointed by the said Court of Directors, and shall be subject to recall only by the King's Majesty, his Heirs or Successors; any Thing herein contained to the contrary notwithstanding.

Directors may appoint Persons provisionally to supply Vacancies.

XXVII. And be it further enacted, That it shall be lawful for the said Court of Directors to appoint any Person or Persons provisionally to succeed to any of the Offices aforesaid, for supplying any Vacancy or Vacancies therein, when the same shall happen by the Death or Resignation of the Person or Persons holding the same Office or Offices respectively, or on his or their Departure from *India*, or on any Event or Contingency expressed in any such provisional Appointment or Appointments to the same respectively, and such Appointments again to revoke, but that no Person so appointed to succeed provisionally to any of the said Offices shall be entitled to any Authority, Salary, or Emolument, appertaining thereto, until he shall be in the actual Possession of such Office, any Act or Statute to the contrary notwithstanding.

Act not to vacate any Appointments already made.

XXVIII. Provided also, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to vacate or disturb any Appointments already lawfully made, whether provisionally or otherwise, to any of the said Offices, any Thing herein contained to the contrary notwithstanding.

How Vacancies are to be supplied when no Successors are on the Spot, &c.

XXIX. And be it further enacted, That if any Vacancy shall happen in the Office of Governor-General of *Fort William*, or of Governor of *Fort Saint George* or *Bombay* respectively, when no provisional or other Successor shall be upon the Spot to supply such Vacancy, then and in every such Case the Counsellor of the Presidency wherein such Vacancy shall happen, next in Rank to the said Governor-General, or Governor respectively, shall hold and execute the said Office of Governor-General or Governor, until a Successor shall arrive, or until some other Person on the Spot shall be duly appointed thereto; and if the Council Board shall happen during that Interval to become reduced to one only Member, besides the acting Governor-General or Governor, then and in such Case the Person so acting as Governor-General or Governor shall be, and is hereby impowered to call to the Council Board such one of the Senior Merchants of the said Company, at such Presidency where the Vacancy shall occur, as he shall think fit to be a temporary Member of the said Board, and that the Person so called shall accordingly sit and act as a Member of the said Council, and shall have the same Powers in all other Respects as are given to Persons appointed to the Council Board by the said Court of Directors, until the Arrival of a Successor or other Appointment made to the Office of Governor-General or Governor respectively; and that every such acting Governor-General, Governor, and occasional Counsellor, shall, during the Time of their continuing to act as such respectively, be entitled to receive the several Emoluments and Advantages appertaining to the said Offices by them respectively supplied, such acting Governor-General and Governor foregoing their Salary and Allowances of Counsellor for the same Period.

Next Member of Council to Commander in Chief to succeed to the Temporary Government of a Presidency, unless the Commander in Chief shall have been provisionally appointed.

XXX. Provided always, and be it further enacted, That if at the Time of any Vacancy happening in the Office of Governor-General, or of a Governor of any of the said Presidencies, no eventual Successor appointed under the Authority of this Act shall be present upon the Spot, any Commander in Chief, although he shall be then a Member of the Council of the Presidency where such Vacancy shall occur, shall not succeed to the temporary Government of such Presidency, unless such Commander in Chief shall have been provisionally appointed to supply the same, but that the Vacancy shall be supplied by the Counsellor next in Rank at the Council Board to such Commander in Chief, any Thing herein contained to the contrary notwithstanding.

Vacancy of Counsellors when no Successors are on the Spot, to be supplied by the Governor in Council from the Senior Merchants.

XXXI. And be it further enacted, That if any Vacancy shall happen of the Office of a Counsellor at either of the said Presidencies, when no Person provisionally or otherwise appointed to succeed thereto shall be then resident on the Spot, then and on every such Occasion such Vacancy shall be supplied by and at the Nomination or Appointment of the Governor-General in Council of *Fort William*, or the Governor in Council of *Fort Saint George* or *Bombay* respectively, from amongst the Senior Merchants in the said Company's Service in *India*; and that the Person or Persons so nominated shall execute the said Office, and shall have the same Powers in all Respects as are given to Persons appointed to the Council Board by the said Court of Directors, until a Successor or Successors shall arrive, duly appointed by the said Court of Directors, and shall have and be entitled to the Salary and other Emoluments and Advantages appertaining to the said Office or Offices during his or their Continuance therein respectively.

The Commander in Chief, when not the Governor at the Presidency, may, by the Authority of the Directors, be the second Member of the Council.

XXXII. And be it further enacted, That when the Office of Governor-General, and the Office of Commander in Chief of all the Forces in *India*, shall not be vested in the same Person, such Commander in Chief shall and may, if specially authorized for that Purpose by the said Court of Directors, and not otherwise, be a Member of the Council of *Fort William*; and that when the Offices of Governor of *Fort Saint George*, and Commander in Chief of the Forces there, shall be vested in different Persons, or the Offices of Governor of *Bombay*, and Commander in Chief of the Forces in *Bombay*, shall be vested in different Persons, such respective Commanders in Chief shall and may, if specially authorized by the Court of Directors, and not otherwise, be a Member of Council at the said respective Presidencies; and that when any Commander in Chief shall be appointed a Member of any of the said Councils, such Commander shall have Rank and Precedence at the Council Board next to the Governor-General, or Governor of the same Presidency; but no Commander in Chief shall be entitled to any Salary or Emolument in Respect of his being a Member of any of the said Councils, unless the same shall be specially granted by h Court of Directors of the said Company.

XXXIII. Pro-

The Commander in Chief in India, not being Governor-General, while resident at Fort Saint George or Bombay, shall be a Member of Council.

XXXIII. Provided always, and be it further enacted, That when the Commander in Chief of all the Forces in *India* (not being likewise Governor-General) shall happen to be resident at either of the Presidencies of *Fort Saint George* or *Bombay*, the said Commander in Chief shall, from the Time of his Arrival, and during his Continuance at such Presidency, be a Member of the Council of such Presidency, and during that Period the provincial Commander in Chief of the Forces of the same Presidency, if he shall be a Member of the Council thereof, shall and may continue to sit and deliberate, but shall not have any Voice at the Council Board.

If any Member shall be incapable of attending, the Governor of the Presidency may call to the Council a provisional Successor, &c.

XXXIV. And be it further enacted, That if any of the Members of the Council of either of the said Presidencies shall by any Infirmity or otherwise be rendered incapable of acting, or of attending to act as such, or if any of such Members shall be absent from the Presidency, and the Governor-General, or either of the said Governors, shall be desirous of having the Advice of a full Council upon any urgent Business, the Governor-General, or such Governors respectively, shall by Virtue of this Act have full Power and Authority to call any provisional Successor appointed, then on the Spot, or, there being none such on the Spot, then any senior Merchant on the Spot, to assist at the Council Board for that Turn; but that such provisional Successor, or other Person, shall not be entitled to any Salary or other Emolument in Respect thereof, nor shall his acting as an occasional Member of Council, in Manner aforesaid, deprive him of any Office or Employment he before enjoyed.

His Majesty, by Sign Manual, countersigned by the President of the Board, may remove any Officer or Servant of the Company in India.

XXXV. And be it further enacted, That it shall and may be lawful to and for the King's Majesty, his Heirs and Successors, by any Writing or Instrument under his or their Sign Manual, countersigned by the President of the Board of Commissioners for the Affairs of *India*, to remove or recall any Person or Persons holding any Office, Employment, or Commission, Civil or Military, under the said United Company in *India* for the Time being, and to vacate and make void all or every, or any Appointment or Appointments, Commission or Commissions, of any Person or Persons to any such Offices or Employments; and that all and every the Powers and Authorities of the respective Persons so removed, recalled, or whose Appointment or Commission shall be vacated, shall cease or determine at or from such respective Time or Times as in the said Writing or Writings shall be expressed and specified in that Behalf: Provided always, That a Duplicate or Copy of every such Writing or Instrument, under his Majesty's Sign Manual, attested by the said President for the Time being, shall, within eight Days after the same shall be signed by his Majesty, his Heirs or Successors, be transmitted or delivered to the Chairman or Deputy Chairman for the Time being of the said Company, to the Intent that the Court of Directors of the said Company may be apprized thereof.

Act not to preclude the Directors from recalling their Officers or Servants.

XXXVI. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to preclude or take away the Power of the Court of Directors of the said Company from removing or recalling any of the Officers or Servants of the said Company, but that the said Court shall and may at all Times have full Liberty to remove, recall, or dismiss any of such Officers or Servants, at their Will and Pleasure, in the like Manner as if this Act had not been made, any Governor-General, Governor, or Commander in Chief, appointed by his Majesty, his Heirs or Successors, through the Default of Appointment by the said Court of Directors, always excepted; any Thing herein contained to the contrary notwithstanding.

Departure from India of any Governor-General, &c. with Intent to return to Europe, to be deemed a Resignation of Employment, &c.

While at the Presidency no Resignation of a Governor-General, &c. to be valid, except delivered in Writing to the Secretary.

Regulation respecting Salaries.

XXXVII. And be it further enacted that the Departure from *India* of any Governor-General, Governor, Member of Council, or Commander in Chief, with Intent to return to *Europe*, shall be deemed in Law a Resignation and Avoidance of his Office or Employment; and that the Arrival in any Part of *Europe* of any such Governor-General, Governor, Member of Council, or Commander in Chief, shall be a sufficient Indication of such Intent; and that no Act or Declaration of any Governor-General, or Governor, or Member of Council, during his Continuance in the Presidency whereof he was so Governor-General, Governor, or Counsellor, except by some Deed or Instrument in Writing, under Hand and Seal, delivered to the Secretary for the public Department of the same Presidency, in Order to its being recorded, shall be deemed or held as a Resignation or Surrender of his said Office; and that the Salary and other Allowances of any such Governor-General, or other Officers respectively, shall cease from the Day of such his Departure, Resignation, or Surrender; and that if any such Governor-General, or any other Officer whatever in the Service of the said Company, shall quit or leave the Presidency or Settlement to which he shall belong, other than in the known actual Service of the said Company, the Salary and Allowances appertaining to his Office shall not be paid or payable during his Absence to any Agent or other Person for his Use, and in the Event of his not returning back

to

to his Station at such Presidency or Settlement, or of his coming to *Europe*, his Salary and Allowances shall be deemed to have ceased from the Day of his quitting such Presidency or Settlement, any Law or Usage to the contrary notwithstanding.

Councils, in the first Place, to consider Matters proposed by the Governor who may postpone any Matters proposed by Counsellors.

XXXVIII. And be it further enacted, That the Governor-General and Counsellors of *Fort William*, and the several Governors and Counsellors of *Fort Saint George* and *Bombay*, shall at their respective Council Boards proceed in the first Place to the Consideration of such Matters or Questions as shall be proposed by the Governor-General, or by the Governors of the said Presidencies respectively; and as often as any Matter or Question shall be propounded by any of the said Counsellors, it shall be competent to the said Governor-General or Governor respectively, to postpone or adjourn the Discussion thereof to a future Day; provided that no such Adjournment shall exceed forty-eight Hours, nor shall the Matter or Question so proposed be adjourned more than twice without the Consent of the Counsellor who proposed the same.

Proceedings to be expressed to be made by the Governor and Council, and signed by the Secretary.

XXXIX. And be it further enacted, That all Orders and other Proceedings of the Governor-General and Council of *Fort William* shall be expressed to be made by the Governor-General in Council; and that all Orders and other Proceedings of the Governors and Council of *Fort Saint George* and *Bombay* respectively shall be expressed to be made by the Governor in Council, and not otherwise; and that the several Orders and Proceedings of all the said Presidencies shall previous to their being published or put in Execution, be signed by the chief Secretary to the Council of the Presidency, by the Authority of the Governor-General in Council, or Governor in Council, as the Case may be.

Governor-General in Council at Fort William impowered to superintend the other Presidencies.

XL. And be it further enacted, That the Governor-General in Council at *Fort William* shall have and be invested, by Virtue of this Act, with full Power and Authority to superintend, controul, and direct the several Governments and Presidencies of *Fort Saint George*, and *Bombay*, and all other Governments erected or to be erected by the said United Company, within the Limits of their said exclusive Trade, in all such Points as shall relate to any Negotiations or Transactions with the Country Powers or States, or levying War or making Peace, or the Collection or Application of the Revenues of the said Acquisitions and Territories in *India*, or to the Forces employed at any of such Presidencies or Governments, or to the civil or military Government of the said Presidencies, Acquisitions, or Territories, or any of them.

The other Presidencies to obey the Orders of the Governor-General in Council at Fort William, if not repugnant to Instructions from England.

XLI. And, in order to prevent the Embarrassment and Difficulty which may otherwise arise from any Doubt whether the Orders or Instructions of the Governor-General in Council of *Fort William* relate to other Points than those aforesaid, be it further enacted, That notwithstanding any Doubt which may be entertained by the said Presidencies or Governments to whom such Orders or Instructions shall be given respecting the Power of the Governor-General in Council to give such Orders, yet the said Presidencies or Governments shall be bound to obey such Orders and Directions of the said Governor-General in Council, in all Cases whatever, except only where they shall have received positive Orders and Instructions from the said Court of Directors, or from the Secret Committee of Directors, by the Authority of the said Board of Commissioners for the Affairs of *India*, repugnant to the Orders and Instructions of the said Governor-General in Council, and not known to the said Governor-General and Council at the Time of dispatching their Orders and Instructions as aforesaid; and the said Governor-General in Council shall, at the Time of transmitting all such Orders and Instructions, transmit therewith the Dates of and the Times of receiving the last Dispatches, Orders, and Instructions, which they have received from the Court of Directors, or from the said Secret Committee by the Direction of the said Board of Commissioners, on any of the Points contained therein; and the said Presidencies, Governments, and Settlements, in all Cases where they have received any Orders from the said Court of Directors, or from the said Secret Committee by the Direction of the Board of Commissioners as aforesaid, which they shall deem repugnant to the Orders of the said Governor-General in Council of *Fort William*, and which were not known to the said Governor-General and Council at the Time of dispatching their Orders and Instructions as aforesaid, shall forthwith transmit Copies of the same, together with an Account of all Instructions or Orders made by them in Consequence thereof, to the Governor-General in Council of *Fort William*, who shall, after the Receipt of the same, dispatch such further Orders and Instructions to the said Presidencies, and Governments or Settlements, as the said Governor-General in Council may judge necessary thereupon.

Governor-General to send Dates, &c. of Dispatches from England, on Points contained in Instructions to Presidencies, &c. who shall transmit to him Copies of any Orders they deem repugnant thereto.

War not to be declared, &c. by the Governor-General in

XLII. And forasmuch as to pursue Schemes of Conquest and Extension of Dominion in *India* are Measures repugnant to the Wish, the Honor, and Policy of this Nation: Be it further enacted,

Council at Fort William without the Command of the Directors, &c. except Preparations of Hostilities shall be made, &c.

enacted, That it shall not be lawful for the Governor-General in Council of *Fort William* aforesaid, without the express Command and Authority of the said Court of Directors, or of the said Secret Committee by the Authority of the said Board of Commissioners for the Affairs of *India*, in any Case (except where Hostilities have actually been commenced, or Preparations actually made for the Commencement of Hostilities, against the *British* Nation in *India*, or against some of the Princes or States dependant thereon, or whose Territories the said United Company shall be at such Time engaged by any subsisting Treaty to defend or guarantee) either to declare War or commence Hostilities, or enter into any Treaty for making War against any of the Country Princes or States in *India*, or any Treaty for guaranteeing the Possessions of any Country Princes or States; and that in any such Case it shall not be lawful for the said Governor-General and Council to declare War or to commence Hostilities, or to enter into any Treaty for making War against any other Prince or State, than such as shall be actually committing Hostilities, or making Preparations as aforesaid, or to make such Treaty for guaranteeing the Possessions of any Prince or State, but upon the Consideration of such Prince or State actually engaging to assist the Company against such Hostilities commenced, or Preparations made as aforesaid; and in all Cases where Hostilities shall be commenced, or Treaty made, the said Governor-General and Council shall, by the most expeditious Means they can devise, communicate the same unto the said Court of Directors, or to the said Secret Committee, together with a full State of the Information and Intelligence upon which they shall have commenced such Hostilities, or made such Treaties, and their Motives and Reasons for the same at large.

Communication of Commencement of Hostilities, &c. to be made to the Directors, &c.

Governments of Fort St. George or Bombay, not to declare War, &c. but by Orders from Fort William, or the Directors, &c.

XLIII. And be it further enacted, That it shall not be lawful for the Governors and Counsellors of *Fort Saint George* and *Bombay*, or of any other subordinate Settlement, to make or issue any Order for commencing Hostilities, or levying War, or to negotiate or conclude any Treaty of Peace, or other Treaty, with any *Indian* Prince or State (except in Cases of sudden Emergency or imminent Danger, when it shall appear dangerous to postpone such Hostilities or Treaty), unless in Pursuance of express Orders from the said Governor-General in Council of *Fort William* aforesaid, or from the said Court of Directors, or from the said Secret Committee by the Authority of the said Board of Commissioners for the Affairs of *India*; and every such Treaty shall, if possible, contain a Clause for subjecting the same to the Ratification or Rejection of the Governor-General in Council of *Fort William* aforesaid: And the said Governors and Counsellors, and other Officers of the said Presidencies of *Fort Saint George* and *Bombay*, or other Settlements respectively, are hereby required to pay and yield Obedience to all such Orders as they shall from Time to Time respectively receive from the said Governor-General in Council of *Fort William* aforesaid, concerning the Matters aforesaid; and that all and singular the said Governors, Counsellors, and other Officers, who shall refuse or wilfully neglect or forbear to pay Obedience to such Orders and Instructions as they shall receive from the said Governor-General in Council of *Fort William* as aforesaid, shall be liable to be removed, dismissed, or suspended from the Exercise of their respective Offices or Powers by Order of the said Governor-General in Council of *Fort William*, and be sent to *England*, and be subject to such further Pains and Penalties as are or shall be provided by Law in that Behalf.

Penalty on Governors, &c. of Fort St. George and Bombay for neglect of Orders from Fort William.

Presidencies of Fort St. George, &c. to send to Fort William Copies of all their Orders, &c.

XLIV. And be it further enacted, That the Governors and Counsellors of the said Presidencies of *Fort Saint George* and *Bombay* respectively for the Time being, and the Governors and Counsellors, or other chief Officer or Officers of and belonging to any other *British* Settlement in *India*, shall and they are hereby respectively required, constantly and diligently to transmit to the said Governor-General in Council at *Fort William* aforesaid, true and exact Copies of all Orders, Resolutions, and Acts in Council of their respective Governments, Presidencies, and Councils, and also Advice and Intelligence of all Transactions and Matters which shall come to their Knowledge, material to be communicated to the Governor-General in Council of *Fort William* aforesaid, or which the said Governor-General in Council shall from Time to Time require.

Governor-General of Fort William may issue Warrants for securing suspected Persons.

XLV. And be it further enacted, That it shall and may be lawful for the Governor-General of *Fort William* aforesaid for the Time being to issue his Warrant under his Hand and Seal, directed to such Peace Officers and other Persons as he shall think fit, for securing and detaining in Custody any Person or Persons suspected of carrying on, mediately or immediately, any illicit Correspondence dangerous to the Peace or Safety of any of the *British* Settlements or Possessions in *India*, with any of the Princes, Rajahs, or Zemindars, or any other Person or Persons having Authority in *India*, or with the Commanders, Governors, or Presidents of any Factories established in the *East-Indies*, by any *European* Power, or any Correspondence contrary to the Rules and Orders of the said Company, or of the Governor-General in Council of *Fort William* aforesaid;

Proceedings to be had where reasonable Grounds for the Charge shall appear against such Persons.

aforesaid; and if, upon Examination taken upon Oath, in Writing, of any credible Witness or Witnesses before the Governor-General in Council of *Fort William* aforesaid, there shall appear reasonable Grounds for the Charge, the said Governor-General shall be, and is hereby authorized and empowered to commit such Person or Persons so suspected or accused to safe Custody, and shall within a reasonable Time, not exceeding five Days, cause to be delivered to him or them a Copy of the Charge or Accusation on which he or they shall have been committed, and that the Party or Parties accused shall be permitted to deliver in his or their Defence in Writing, together with a List of such Witnesses as he or they shall desire to be examined in Support thereof, and that such Witnesses, and also the Witness or Witnesses in Support of the Charge, shall be examined and cross-examined on Oath, in the Presence of the Party accused, and their Depositions and Examinations taken down in Writing; and if, notwithstanding such Defence, there shall appear to the said Governor-General in Council reasonable Grounds for the Charge or Accusation, and for continuing the Confinement, the Party or Parties accused shall remain in Custody until he or they shall be brought to Trial in *India*, or sent to *England* for that Purpose; and that all such Examinations and Proceedings, or attested Copies thereof, under the Seal of the Supreme Court of Judicature at *Fort William*, or of one of the Mayor's Courts, shall be transmitted to the said Court of Directors by the first Dispatches, in Order to their being produced in Evidence on the Trial of the Parties in the Event of their being sent for Trial to *Great-Britain*; and in Case such Person or Persons is or are intended to be sent to *England*, the said Governor-General shall and he is hereby required to cause such Person or Persons to be sent to *England* at the first convenient Opportunity, unless such Person or Persons shall be disabled by Illness from undertaking the Voyage, in which Case he or they shall be sent as soon as his or their State of Health will safely admit thereof; and that the Examinations and Proceedings so transmitted as aforesaid shall be admitted and received as Evidence in all Courts of Law, subject to any just Exceptions to the Competency of the said Witnesses.

Governors of Fort St. George and Bombay to have the like Powers with respect to suspected Persons as the Governor-General.

XLVI. And be it further enacted, That the several Governors or Governors in Council of *Fort Saint George* and *Bombay* shall have the like Powers, under and subject to the same Regulations and Restrictions, to secure and detain Persons suspected of any such illicit Correspondence as aforesaid, within their respective Presidencies and Settlements, and of sending them to *England* for Trial, as are hereby given to the said Governor-General or Governor-General in Council of *Fort William* respectively.

Governor-General, or Governors, may order Measures proposed in Council, about which they differ from the other Members, to be adopted or suspended, &c.

XLVII. And whereas it will tend greatly to the Strength and Security of the *British* Possessions in *India*, and give Energy, Vigor, and Dispatch to the Measures and Proceedings of the executive Government within the respective Presidencies, if the Governor-General of *Fort William* in *Bengal*, and the several Governors of *Fort Saint George* and *Bombay*, were vested with a discretionary Power of acting without the Concurrence of their respective Councils, or forbearing to act according to their Opinions, in Cases of high Importance, and essentially affecting the Public Interest and Welfare, thereby subjecting themselves personally to answer to their Country for so acting, or forbearing to act: Be it enacted, That when and so often as any Measure or Question shall be proposed or agitated in the Supreme Council at *Fort William* in *Bengal*, or in either of the Councils of *Fort Saint George* and *Bombay*, whereby the Interests of the said United Company, or the Safety or Tranquillity of the *British* Possessions in *India*, or any Part thereof, are, or may, in the Judgment of the Governor-General, or of the said Governors respectively, be essentially concerned or affected, and the said Governor-General or such Governors respectively shall be of Opinion that it will be expedient either that the Measures so proposed or agitated ought to be adopted or carried into Execution, or that the same ought to be suspended or wholly rejected, and the several other Members of such Council then present shall differ in and dissent from such Opinion, the said Governor-General or such Governor, and the other Members of the Council, shall, and they are hereby directed forthwith mutually to exchange with and communicate in Council to each other, in Writing under their respective Hands (to be recorded at large on their Secret Consultations) the respective Grounds and Reasons of their respective Opinions; and if, after considering the same, the said Governor-General, or such Governor respectively, and the other Members of the said Council, shall severally retain their Opinions, it shall and may be lawful to and for the said Governor-General in the Supreme Council of *Fort William*, or either of the said Governors in their respective Councils, to make and declare any Order (to be signed and subscribed by the said Governor-General, or by the Governor making the same) for suspending or rejecting the Measure or Question so proposed or agitated, in Part or in the Whole, or to make and declare such Order and Resolution for adopting and carrying the Measure so proposed or agitated into Execution, as the said Governor-General, or such Governors in their

respective Councils, shall think fit and expedient; which said last-mentioned Order and Resolution, so made and declared, shall be signed as well by the said Governor-General, or the Governor so making and declaring the same, as by all the other Members of the Council then present, and shall by Force and Virtue of this Act be as effectual and valid, to all Intents and Purposes, as if all the said other Members had advised the same, or concurred therein; and the said Members of Council, and all Officers civil and military, and all other Persons concerned, shall be and they are hereby commanded, authorized and enjoined to be obedient thereto, and to be aiding and assisting in their respective Stations in the carrying the same into Execution.

Governor-General, &c. making any Order without the Consent of the Council, responsible for the same;

XLVIII. And be it further enacted, That the Governor-General, or Governor, who shall declare and command any such Order or Resolution to be made and recorded without the Assent or Concurrence of any of the other Members of Council, shall alone be held responsible for the same, and the Consequences thereof.

but not to make any Order which could not have been made with the Consent of the Council.

XLIX. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to give Power to the said Governor-General of *Fort William* in *Bengal*, or to either of the said Governors of *Fort Saint George* and *Bombay* respectively, to make or carry into Execution any Order or Resolution which could not have been lawfully made and executed with the Concurrence of the Councils of the respective Governments or Presidencies, any Thing herein contained to the contrary notwithstanding.

No Person to act, without the Concurrence of the Council, on whom the Office of Governor-General or Governor shall devolve by Death, unless provisionally appointed, &c.

L. Provided also, and be it further enacted and declared, That nothing in this Act contained shall extend, or be construed to extend, to give any discretionary Power of acting, or forbearing to act, without the Concurrence of the other Members of Council, unto any Person on whom the said Office of Governor-General, or the said Office of Governor respectively, shall happen to devolve by the Death or Resignation of any Governor-General, or Governor for the Time being respectively, or unto any Deputy Governor-General, unless such Person shall have been provisionally appointed to succeed to such respective Office by the said Court of Directors, or unless and until such Person shall have been or shall be confirmed in the said Office, and that in the mean Time all Orders, Resolutions, and other Acts and Things in such Presidency, shall be determined by the Voice of the major Part in Number of the Governor-General and Counsellors, or Governor and Counsellors present at the making or doing thereof, such Governor-General or Governor having on any Equality of Voices a casting Vote, and not otherwise, or in any other Manner; any Thing in this Act contained to the contrary notwithstanding.

Governor-General, &c. not to carry into Execution any Order against the Opinion of the Council in certain Cases.

LI. Provided also, and be it further enacted, That nothing herein contained shall be construed to give Power or Authority to the Governor-General of *Fort William* in *Bengal*, or either of the Governors of *Fort Saint George* and *Bombay* respectively, to make or carry into Execution any Order or Resolution against the Opinion or Concurrence of the Counsellors of their respective Governments, in any Matter which shall come under the Consideration of the said Governor-General, and Governors in Council respectively, in their judicial Capacity; or to make, repeal, or suspend any general Rule, Order, or Regulation for the good Order and civil Government of the said United Company's Settlements; or to impose, of his own Authority, any Tax or Duty within the said respective Governments or Presidencies.

The Powers of the Governor of either of the other Presidencies vested in the Governor-General during his Stay in the Presidency.

LII. And be it further enacted, That when the Governor-General of *Fort William* in *Bengal* for the Time being shall find it expedient to visit the Presidency of *Fort Saint George*, or the Presidency of *Bombay*, or any Province or Place in *India*, the Powers and Authorities of the Governor or other Chief Officer or Officers of such Presidency, Province, or Place, shall from the Time of the Proclamation of the Arrival of the said Governor-General therein be suspended, (except with Regard to judicial Proceedings), and shall so continue to be suspended, until other Proclamation be made to the contrary by the Order of the said Governor-General, or otherwise until the said Governor-General shall depart therefrom, and no longer; and that during that Interval the Powers and Authorities of the said Governor, or other Chief Officer, shall be vested in the said Governor-General, with Liberty nevertheless for such Governor to sit and act as a Member of the Council of such Presidency, and that the said Governor-General in Council, at either of the said Presidencies of *Fort Saint George* and *Bombay*, shall be invested with the Powers and Authorities of the Governor in Council of the same Presidency or Settlement respectively, and also with the same ample Powers and Authorities as can or may be exercised by the Governor-General in Council at *Fort William* by Force and Virtue of this Act.

Governor-General to nominate a Vice-President of Fort William to act during his Absence;

LIII. And be it further enacted, That when and so often as the said Governor-General shall on any Occasion be absent from his own Government of *Bengal*, such one of the Members of the Council

cil thereof as the said Governor-General shall nominate for that Purpose shall be styled and act as Vice-President and Deputy-Governor of *Fort William*, and that the Government of the said Presidency shall be exercised by such Vice-President or Deputy, and the other Members or Member of the said Council, in like Manner, and no further or otherwise than as the Government of the said Presidencies of *Fort Saint George* and *Bombay* may be exercised by the Governors in Council there, subject nevertheless to the Restrictions in this Act contained.

but while absent, may issue Orders to the Officers and Servants of the other Presidencies, &c.

LIV. And be it further enacted, That if the said Governor-General, during his Absence from his own Government in *Bengal*, shall judge it necessary to issue any Orders or Directions to any of the said Governments or Presidencies in *India*, or to any of the Officers or Servants of the said Company acting under the Authority of any of the said Presidencies, without previously communicating such Orders or Instructions to the said respective Governments, under the Authority of which such Officers or Servants shall be acting, it shall and may be lawful for him to issue the same, and that the said respective Governments or Presidencies, and also such Officers and Servants shall, and they are hereby severally and respectively authorized and required to obey the same, and such Orders and Instructions shall be of the same Force as if the same had been made by the said Governor-General in Council at *Fort William*, but not of any greater or other Force or Validity; and that if such Orders or Directions shall be made by the said Governor-General of his own sole Authority, or without the Concurrence of the other Members of Council of either of the said Presidencies of *Fort Saint George* and *Bombay* respectively, in that Case the said Governor-General shall be alone held responsible for the same, in the like Manner as for any Orders or Resolutions by him made in Council at *Fort William*, of his own sole Authority, without the Concurrence of the other Members of the same Council, according to the Directions and true Intent and Meaning of this Act: Provided always, that such Governor-General shall and he is hereby required to transmit by the first Opportunity, to the Governors and Councils of the respective Presidencies to which the Officers or Servants to whom any such Orders or Instructions shall be so sent to be executed shall belong, Copies of such Orders and Instructions respectively, with his Reasons or Inducements for issuing the same, and also to transmit to the Court of Directors of the said Company, by the first Opportunity that shall or may occur, a Copy of all Orders and Instructions by him so sent to any of the said Governments, Presidencies, Officers, or Servants respectively, together with his Reasons and Inducements for sending or issuing the same.

Directors with the Approbation of the Board, may suspend the Powers of the Governor-General to act upon his own Authority.

LV. Provided also, and be it further enacted, That it shall and may be lawful for the Court of Directors of the said Company, with the Approbation of the Board of Commissioners for the Affairs of *India*, to suspend all or any of the Powers hereby given to the Governor-General of *Fort William* to act upon his own sole Authority, at and for such Time or Times as they may judge expedient or necessary, and that the same shall be suspended accordingly, from the Time of the Arrival of their Orders for that Purpose in *India*; and also for the said Court of Directors, with such Approbation as aforesaid, to revive the said Powers, when and as they shall think fit; any Thing herein contained to the contrary notwithstanding.

Civil Servants to have Precedency according to their Appointments, &c.

LVI. And, for establishing a just Principle of Promotion amongst the covenanted Servants of the said United Company in *India*, on their civil Establishment, and preventing all undue Supercessions, be it further enacted, That all the civil Servants of the said United Company in *India*, under the Rank or Degree of Members of Council, shall have and be intitled to Precedence in the Service of the said Company, at their respective Stations, according to their Seniority of Appointment; and no such civil Servant or Servants shall be capable of being advanced or promoted to any higher Station, Rank, or Degree therein, than he or they shall be respectively entitled to according to the Length of his or their Service respectively; any Law or Usage to the contrary notwithstanding.

Regulations for filling up Vacancies in the civil Line.

LVII. And be it further enacted, That all Vacancies happening in any of the Offices, Places, or Employments in the civil Line of the Company's Service in *India* (being under the Degree of Counsellor) shall be from Time to Time filled up and supplied from amongst the civil Servants of the said Company, belonging to the Presidency wherein such Vacancies shall respectively happen, subject only to the Restrictions in this Act contained, and no otherwise (that is to say), That in the filling up and supplying such Vacancies, no Office, Place, or Employment, the Salary, Perquisites, and Emoluments whereof shall exceed five hundred Pounds *per Annum*, shall be conferred upon or granted to any of the said Servants who shall not have been actually resident in *India* as a covenanted Servant of the said Company for the Space of three Years

Years at the least in the Whole, antecedent to such Vacancy; and if the Salary, Perquisites, and Emoluments of any Office, Place, or Employment, shall exceed one thousand five hundred Pounds *per Annum*, the same shall not be granted to or conferred upon any of the said Servants who shall not have been actually resident in *India* in the said Service for the Space of six Years at the least in the Whole, antecedent to such Vacancy; and if the Salary, Perquisites, and Emoluments of any Office, Place, or Employment, shall exceed three thousand Pounds *per Annum*, the same shall not be granted to or conferred upon any of the said Servants who shall not have been actually resident in *India* in the said Company's Service for the Space of nine Years at the least in the Whole; and if the Salary, Perquisites, and Emoluments of any Office, Place, or Employment, shall exceed four thousand Pounds *per Annum*, the same shall not be granted to or conferred upon any of the said Servants who shall not have been actually resident in *India* in the Company's Service for the Space of twelve Years at the least in the Whole, antecedent to such Vacancy; and that all Appointments, Advancements, and Promotions, which shall be made for supplying any such Vacancies, other than as aforesaid, shall be null and void.

No Person to hold two Offices, the Salaries of which amount to more than the prescribed Sum.

LVIII. And be it further enacted, That no Person shall for the Future be capable of taking, in the civil Line of the Company's Service, two or more Offices, Places, or Employments, the joint Amount of the Salaries, Perquisites, and Emoluments of which shall exceed in the Whole the annual Salary, Perquisites, and Emoluments respectively herein-before in that Behalf prescribed, any Law or Usage to the contrary notwithstanding.

Directors not to send out more Persons than necessary to supply the Complement of the Establishment.

LIX. And be it further enacted, That it shall not be lawful for the Court of Directors of the said Company to appoint or send out to *India* a greater Number of Persons, in the Capacity of Cadets or Writers, or in any other Capacity, than will be necessary, in Addition to those already in *India*, to supply the proper Complement of Officers and Servants contained in the said Lists of their Establishments, according to such Returns of Vacancies as the respective Governments in *India* shall transmit from thence to the said Court of Directors.

Writers and Cadets to be of certain Ages, &c.

LX. And be it further enacted, That no Person shall be capable of acting, or being appointed or sent to *India*, in the Capacity of Writer or Cadet whose Age shall be under fifteen Years, or shall exceed twenty-two Years, nor until the Person proposed, or intended to be so appointed, shall have delivered to the said Court of Directors a Certificate of his Age, under the Hand of the Minister of the Parish in which he was baptized, or Keeper of the Registry of Baptism of such Parish; and if no such Registry can be found, an Affidavit of that Circumstance shall be made by the Party himself, with his Information and Belief that his Age is not under fifteen Years, and doth not exceed twenty-two Years: Provided nevertheless, that the said Restriction shall not extend to prevent the said Court of Directors from appointing any Person to be a Cadet who shall have been for the Space of one Year at least a commissioned Officer in his Majesty's Service, or in the Militia or Fencible Men when embodied, and hath been called into actual Service, or from the Company of Cadets in the Royal Regiment of Artillery, and whose Age shall not exceed twenty-five Years.

British-born Subjects appointed to receive Rents, &c. to take an Oath.

LXI. And, for preventing the Abuses which have formerly prevailed in the Collection and Receipt of the Revenues of the said Territories and Acquisitions in *India*, be it further enacted, That every Person (being a *British*-born Subject) who is or shall be appointed or authorized to collect, manage, controul, or receive the Rents, Duties, or Revenues of and belonging, and due and payable to the said Company in *India*, shall, before he enters upon the Collection and Receipt thereof, take and subscribe the following Oath, which Oath the Chief Justice, or one of the puisne Judges of the Supreme Court of Judicature at *Bengal*, or the Mayor or other Magistrate in any of the other Presidencies or Settlements, or such other Person as shall be deputed or authorized by any Order in Council of any of the said Presidencies in that Behalf, shall and is hereby authorized and commanded to administer; and such Oath so administered shall be recorded in the Supreme Court at *Calcutta*, or in one of the said Provincial or Mayor's Courts; (that is to say);

The Oath.

I A. B. *do promise and swear, That I will, to the utmost of my Endeavours, well and faithfully execute and discharge the Duties of an Officer of Revenue, reposed in and committed to me by the United Company of Merchants of* England *trading to the* East-Indies; *and that I will not demand, take, or accept, directly or indirectly, by myself or by any other Person for my Use, or on my Behalf, of or from any Rajah, Zemindar, Talookdar, Polygar, Farmer, Renter or Ryot, or from any Person paying or liable to pay any Tribute, Rent, or Tax, to or for the Use of the said United Company, any Sum*

of Money or other valuable Thing by way of Gift, Present, or otherwise, over and above, or besides and except the actual Tribute, Rent, or Tax authorized to be taken by and for the Use of the said United Company; and that I will justly and truly account for, answer, and pay, all the Rents, Duties, and other Revenues and Sums of Money which shall come to my Hands, or to the Hands of any Person or Persons in Trust for or employed by me, as an Officer of the Revenues of the said Company, unto the said United Company.

So help me GOD.

Receiving Gifts to be deemed a Misdemeanor.

LXII. And be it further enacted, That the demanding or receiving any Sum of Money, or other valuable Thing, as a Gift or Present, or under Colour thereof, whether it be for the Use of the Party receiving the same, or for, or pretended to be for the Use of the said Company, or of any other Person whatsoever, by any *British* Subject, holding or exercising any Office or Employment under his Majesty, or the said United Company, in the *East-Indies*, shall be deemed and taken to be Extortion and a Misdemeanor at Law, and shall be proceeded against and punished as such, under and by Virtue of this Act, and the Offender shall also forfeit to the King's Majesty, his Heirs and Successors, the whole Gift or Present so received, or the full Value thereof.

The Court may order Gifts to be restored, and Fines to be given the Prosecutor.

LXIII. Provided always, and be it further enacted, That the Court or Jurisdiction before whom any such Offence shall be tried shall have full Power and Authority to direct the said Present or Gift, or any Part thereof, to be restored to the Party who gave the same, or to order the Whole, or any Part thereof, or of any Fine which the Court shall set on the Offender, to be paid or given to the Prosecutor or Informer, as such Court in its Discretion shall think fit.

Counsellors at Law, &c. may take Fees in their Professions.

LXIV. Provided always, and be it enacted, That nothing herein contained shall extend, or be construed to extend, to prohibit or prevent any Person exercising the Profession of Counsellor at Law, Physician, or Surgeon, or any Chaplain, from accepting, taking, or receiving Fees, Gratuities, or Rewards *(bonâ Fide)* in the Way of his Profession only.

Neglect to execute the Orders of the Directors, &c. to be deemed a Misdemeanor;

LXV. And be it further enacted, That the wilful disobeying, or the wilfully omitting, forbearing, or neglecting to execute the Orders or Instructions of the Court of Directors of the said Company, by any Governor-General, Governor, President, Counsellor, or Commander in Chief, or by any other of the Officers or Servants of the said United Company in the *East-Indies* (unless in Cases of Necessity, the Burthen of the Proof of which Necessity shall lie on the Party so disobeying, or omitting or forbearing to execute such Orders and Instructions as aforesaid), and every wilful Breach of the Trust and Duty of any Office or Employment, by any such Governor-General, Governor, President, Counsellor, or Commander in Chief, or by any of the Officers or Servants of the said United Company in the *East-Indies* shall be deemed and taken to be a Misdemeanor at Law, and shall or may be proceeded against and punished as such by Virtue of this Act.

as also any corrupt Bargain for giving up or obtaining any Employment.

LXVI. And be it further enacted, That the making or entering into, or being a Party to any corrupt Bargain or Contract, for the giving up, or for obtaining, or in any other Manner touching or concerning the Trust and Duty of any Office or Employment under the Crown, or the said United Company, in the *East-Indies*, by any *British* Subject whomsoever there resident, shall be deemed and taken to be a Misdemeanor at Law, and shall be proceeded against and prosecuted as such by Virtue of this Act.

His Majesty's Subjects amenable to Courts of Justice in India and Great-Britain for Offences in the Territories of native Princes.

LXVII. And be it further enacted, That all his Majesty's Subjects, as well Servants of the said United Company as others, shall be and are hereby declared to be amenable to all Courts of Justice, both in *India* and *Great-Britain*, of competent Jurisdiction to try Offences committed in *India*, for all Acts, Injuries, Wrongs, Oppressions, Trespasses, Misdemeanors, Offences, and Crimes whatever, by them or any of them done or to be done or committed in any of the Lands or Territories of any Native Prince or State, or against their Persons or Properties, or the Persons or Properties of any of their Subjects or People, in the same Manner as if the same had been done or committed within the Territories directly subject to and under the *British* Government in *India*.

No Action to be stayed without the Approbation of the Board.

LXVIII. And be it further enacted, That it shall not be lawful for the said United Company, or for any of their Officers or Servants, or for the Court of Directors of the said Company, to discontinue, stay, or compound, or settle or agree any Actions or Suits at Law or Equity, now depending or hereafter to be commenced, before a final Decree or Judgment shall be obtained or given therein, unless by and with the Approbation of the Board of Commissioners for the Affairs of

India, for that Purpose, in Writing, first had and obtained: and that all Compositions and Agreements made for any of the Purposes aforesaid, by the Court of Directors of the said Company, with the Approbation of the said Board, shall be valid and effectual in that Behalf, any Thing herein or in any other Act or Acts contained to the contrary notwithstanding.

Company not to release Sentences or restore Servants dismissed by Sentence.

LXIX. And be it further enacted, That after Sentence or Judgment of any Court having competent Jurisdiction, whether in *Great-Britain* or in *India*, against any Governor-General, Governor, President, Counsellor, or Commander in Chief, or against any of the said United Company's Servants, civil or military, for any Debts or Penalty due or belonging to the said United Company, or for any Extortion or other Misdemeanor, it shall not be lawful for the said United Company, in any Case whatever, to release or compound such Sentence or Judgment, or to restore any Servant or Servants of the said Company who shall have been removed or dismissed from his or their Office or Employment for or on Account of Misbehaviour, by the Sentence of any of the said Courts.

No Person, under the Degree of a Member of Council or Commander in Chief, who shall not return to India within five Years from his Leave to depart, shall be entitled to Rank, &c. except as herein provided.

LXX. And be it further enacted, That no Person, who shall have held any civil or military Station whatever in *India*, in the Service of the said United Company, being under the Rank or Degree of a Member of Council, or Commander in Chief of the Forces, and who, having departed from *India* by Leave of the Governor-General in Council, or Governor in Council, shall not return to *India* within the Space of five Years next after such Departure, shall be entitled to any Rank or Restoration of Office, or be capable of again serving in *India*, either in the *European* or native Corps of Troops, or in the civil Line of the Company's Service, unless in the Case of any civil Servant of the Company, it shall be proved to the Satisfaction of the Court of Directors, that such Absence was occasioned by Sickness or Infirmity, or unless such Person be permitted to return with his Rank to *India* by a Vote or Resolution passed by Way of Ballot, by three Parts in four of the Proprietors assembled in General Court, specially convened for that Purpose, whereof eight Days previous Notice of the Time and Purpose of such Meeting shall be given in *The London Gazette*, or unless, in the Case of any military Officer, it shall be proved to the Satisfaction of the said Court of Directors, and the Board of Commissioners for the Affairs of *India*, that such Absence was occasioned by Sickness or Infirmity, or some inevitable Accident.

The Company to enjoy exclusive Trade within the Limits mentioned in an Act of 9 Gul. 3, and Charter of 5 Sept. 10 Gul. 3.

LXXI. And be it further enacted by the Authority aforesaid, That the said United Company of Merchants of *England* trading to the *East-Indies*, and their Successors, shall have, use, and enjoy, and shall continue to have, use, and enjoy the whole, sole, and exclusive Trade and Traffick, and the only Liberty, Use, and Privilege of trading, trafficking, and exercising the Trade or Business of Merchandize in, to, and from the *East-Indies*, and in, to, and from all the Islands, Ports, Havens, Coasts, Cities, Towns, and Places between the *Cape of Good Hope* and *Streights of Magellan*, and Limits in an Act made in the ninth Year of the Reign of King *William* the Third, or in a certain Charter of the fifth Day of *September*, in the tenth Year of the same King mentioned, in as ample and beneficial Manner as the said Company could thereby or otherwise lawfully trade thereto, subject nevertheless to the several Limitations, Conditions, and Regulations in this Act contained, and also subject to the Proviso herein-after contained for determining the same, any former Act or Acts, Matter or Thing, to the contrary notwithstanding.

as also all Profits, &c. granted by any other Acts or Charters, freed from Conditions of Redemption, &c.

LXXII. And be it further enacted, That the said Company shall at all Times hereafter (subject as aforesaid) have, hold, and enjoy, and be entitled unto all and singular the Profits, Benefits, Advantages, Priviliges, Franchises, Abilities, Capacities, Powers, Authorities, Rights, Remedies, Methods of Suits, Penalties, Forfeitures, Disabilities, Provisions, Matters, and Things whatever, which by any former Act or Acts of Parliament, or by any Charter or Charters founded thereupon, or by any Clause or Clauses in the said Acts or Charters contained, are enacted, given, granted, provided, limited, established, or declared, to, for, touching, or concerning the said Company, or Body politic and corporate, either by the Name of *the General Society entitled to the Advantages given by an Act of Parliament for advancing a Sum not exceeding Two Millions for the Service of the Crown of* England, or the said Body politic and corporate called by the Name of *The* English *Company trading to the* East-Indies, or the said Body politic and corporate called by the Name of *The United Company of Merchants of* England *trading to the* East-Indies, and not by this Act, or any other Act now in Force, repealed or altered, according to the Tenor and true Meaning of the said Acts and Charters, and of this Act, freed and discharged from all Provisoes and Conditions of Redemption and Determination in any former Act or Acts contained; and the same, and every of them, are and is hereby ratified and confirmed, and shall continue to be held and enjoyed, and be practised and put in Execution, by the said Company and their Successors, for the better

and more effectually settling and securing to them and their Successors the whole, sole, and exclusive Trade to the *East-Indies* and Parts aforesaid, and for the preventing Trade thereto, contrary to the true Intent and Meaning of this Act, and for securing also their Possessions, Estate, and Effects, and governing their Affairs and Business in all Respects, as fully and effectually as if the same Profits, Benefits, Advantages, Trade, Privileges, Franchises, Abilities, Capacities, Powers, Authorities, Rights, Remedies, Methods of Suits, Penalties, Forfeitures, Disabilities, Provisions, Matters, and Things, were severally repeated and at large re-enacted in the Body of this Act; subject nevertheless to such Restrictions, Covenants, and Agreements, as are contained in the said Acts or Charters now in Force, and not herein or hereby repealed, varied, or altered, and subject also to the several Enactments, Conditions, Limitations, and Provisoes in this Act contained.

On the Expiration of three Years' Notice by Parliament, any Time after March 1, 1811, and Payment of what may be due from the Public to the Company, their exclusive Trade to cease;

LXXIII. Provided always, and be it further enacted, That at any Time, upon Three Years Notice to be given by Parliament, after the first Day of *March*, which will be in the Year of our Lord one thousand eight hundred and eleven, upon the Expiration of the said three Years, and upon Payment made to the said Company of any Sum or Sums, which under the Provisions of any Act of this present Session of Parliament, shall or may, upon the Expiration of the said three Years, become payable to the said Company by the Public, according to the true Intent and Meaning of such Act, then and from thenceforth, and not before or sooner, the said Right, Title, and Interest of the said Company to the whole, sole, and exclusive Trade to the *East-Indies*, and Parts aforesaid, shall cease and determine.

but their Corporation not to be determined, &c.

LXXIV. Provided also, and be it further enacted, That nothing in the said Proviso last hereinbefore contained, or in any Proviso in the said Act of the ninth Year of King *William* the Third, or in the said Charter of the fifth Day of *September*, in the tenth Year of his Reign, or in any other Act or Charter contained, shall extend, or be construed to extend, to determine the Corporation of the said United Company, or to hinder, prevent, or preclude the said Company, or their Successors, from carrying on at all Times, after such Determination of the Right to the sole, whole, and exclusive Trade as aforesaid, a free Trade, in, to, and from the *East-Indies* and Parts aforesaid, with all or any Part of their joint Stock in Trade, Goods, Merchandizes, Estate, and Effects, in common with other the Subjects of his Majesty, his Heirs and Successors, trading to, in, or from the said Parts or Limits.

Notice by the Speaker of the House of Commons to be deemed a due Notice by Parliament.

LXXV. And be it further enacted, That any Notice in Writing, signified by the Speaker of the House of Commons for the Time being, by Order of the said House, shall be deemed and adjudged a due and proper Notice by Parliament, to and for all the Ends, Intents, and Purposes, for which any Notice is by this Act directed to be given to the said Company.

In Case of Cession from the Chinese Government, of Territory separate from the Continent, any of his Majesty's Subjects may export British or Irish Manufactures in Company's Ships, &c.

Restrictions on Persons to whom such Manufactures are consigned.

LXXVI. Provided always, and be it further enacted, That if any Cession of Territory shall be obtained from the *Chinese* Government, and a new Settlement shall be made by the said Company upon such Territory, distinct and separate from the Continent of *China*, and wholly free from any Jurisdiction or Authority of the *Chinese* Government, in that Case, and so long as the same shall so remain to the said Company, it shall and may be lawful for any of his Majesty's Subjects, under such Regulations and Restrictions as shall be approved by the Board of Commissioners for the Affairs of *India*, to export *British* and *Irish* Manufactures in the Ships of the said Company, at a moderate Rate of Freight, the same being consigned to the said Company's Supra Cargoes, or such other Persons as the said Company, with the Approbation of the said Board of Commissioners, shall License to reside at such Settlement for that Purpose only; and provided that all and every of such Persons so licensed shall be prohibited from having any Connection or Intercourse with the Continent of *China*, and from carrying on any other Trade or Concern whatever, save and except the Sale of *British* and *Irish* Manufactures before mentioned, and from all Interference with the Affairs of the said Company; and that all such Persons shall enter into the like Covenants with the said Company as other free Merchants by them licensed, or such other Covenants as shall be reasonably required by the said Court of Directors in that Behalf, and also into a special Engagement, if the same shall be required, for paying the net Proceeds of the Sales of such Manufactures into the Treasury of the said Company at such new Settlement, for Bills of Exchange payable by the said Company in *Great-Britain*, to be drawn at the actual Rate of Exchange at the Time; and that no Person whatever shall be permitted to reside in any Place or Places so ceded, or to trade or communicate with any Port or Place in *China*, who is not a Servant of the said Company, or who is not licensed by them to act as aforesaid.

LXXVII. Pro-

Ships in the Southern Whale Fishery under 26 Geo. 3. c. 50. and 28 Geo. 3. c. 20. may sail into the Pacific Ocean by Cape Horn, under certain Restrictions.

LXXVII. Provided also, and be it further enacted, That during the Continuance of the said whole, sole, and exclusive Trade, subject as aforesaid, it shall and may be lawful for any Ship or Vessel which shall be employed in carrying on the Southern Whale Fishery, under and by Virtue of an Act, made in the twenty-sixth Year of his present Majesty, intituled, *An Act for the Encouragement of the Southern Whale Fishery*, and a certain other Act, made in the twenty-eighth Year of his present Majesty, for amending the said Act made in the twenty-sixth Year of his Majesty's Reign, to sail or pass into the *Pacific Ocean* by *Cape Horn*, to the Northward of the Equator, provided that such Ships shall not proceed further West than one hundred and eighty Degrees of Longitude from *London*, and provided that the said Ships shall not proceed without such License, and shall be under and subject to all such Regulations, Restrictions, Penalties, and Provisions, as are mentioned in the said respective Acts.

Convention between his Majesty and the King of Spain, dated Oct. 28, 1790.

LXXVIII. And, for the further Encouragement of Trade to the North-west Coast of *America* and the Islands adjacent, under the Limitations contained in the Convention made by his Majesty with the King of *Spain*, of the twenty-eighth Day of *October*, one thousand seven hundred and ninety, it may be expedient that Ships fitted out for those Parts should in certain Cases be permitted by License from the said Company to proceed from the said Coast and Islands direct to the Isles of *Japan* and the Coasts of *Korea* and *Canton*, there to dispose of their Cargoes obtained on the said North-west Coast of *America*, and to return from thence direct to the same North-west Coast or Islands adjacent, and there dispose of their Returns in Trade, the Owners and Commanders of such Ships entering into such Covenants with, and giving such Security to the said Company, and submitting to be bound by such Rules and Regulations as shall appear to be best adapted for preserving to the said Company the Exercise and Benefit of their commercial Privileges, and conduce to the Preservation of good Order and Regularity of the Ships' Companies, and their Observance of the Laws prescribed by the Native States, during the Continuance of such Ships on the said Coasts of *Japan*, *Korea*, and in the River of *Canton* aforesaid: Be it therefore further enacted, That the Court of Directors of the said Company shall, and they are hereby required, forthwith after the passing of this Act, to frame and lay before the Board of Commissioners for the Affairs of *India*, such Rules and Regulations as they shall think best adapted for the Purposes aforesaid, and also the Forms of such Deeds of Covenant or other Securities as the said Court of Directors shall judge to be proper or necessary to be entered into or given for the due Observance thereof by the Owners and Commanders of Ships to be licensed as aforesaid, and that the said Board shall thereupon proceed to revise the same, and to give such Orders and Instructions to the said Directors in Relation thereto as they shall think fit and expedient; and that the said Owners and Commanders conforming themselves to the Terms and Conditions which shall be so prescribed, shall have and be entitled to such License or Licenses, and the said Court of Directors are hereby required to grant the same accordingly, unless on any Representation made by the said Directors to the said Board of Commissioners, containing any specific Objections against the granting of any such License, the said Board shall order the same to be with-held, in which Case it shall and may be lawful for the said Directors to with-hold or refuse the same.

Directors to lay before the Board for the Affairs of India, Regulations for Ships fitted out from the North-west Coast of America, &c.

Such Regulations not to vest a greater Power in Supercargoes, &c. than they have over Ships employed in the Service of the Company.

LXXIX. Provided always, and be it further enacted, That the said Rules and Regulations to be so made for the Purposes aforesaid, or any Deeds of Covenant or other Securities to be required to be entered into or given for the Observance thereof, shall not extend to vest in any Council of Supercargoes or other Officers of the said Company a greater Power over any Ships, or the Commanders, Officers, or Companies of the same, in the Eastern Seas or on the Coasts of *Japan*, *Korea*, and *China*, which they shall be permitted to visit according to the Tenor of such Licenses, than such as can, shall or may lawfully be exercised by the said Council of Supercargoes or other Officers of the said Company, in or over the Ships employed by or in the Service of the said Company, and the Commanders, Officers, and Men belonging thereto.

Disposal of Goods contrary to License, or Breach of Regulations, to be deemed a Misdemeanor, &c.

LXXX. Provided also, and be it further enacted, That the selling or disposing of any Goods or Merchandize at any other Place or Places than shall be mentioned and specified in any such License, or any wilful Breach or Non-observance of any of the said Rules or Regulations, shall be held as a Misdemeanor at Law, and shall and may be punished as such, and that the Parties offending therein shall be deemed to have traded and trafficked unlawfully within the Limits of the Company's exclusive Trade, and shall incur and suffer the Penalties and Forfeitures by this Act imposed for illicitly trading or trafficking within the said Limits, and shall over and besides pay to the said Company such pecuniary Penalties as such Offenders shall have incurred or forfeited by any wilful Breach or Non-observance of the Stipulations contained in and by the

said Deeds of Covenants or Securities entered into or given to the said Company by Force and in Virtue of this Act.

Any of his Majesty's Subjects may export from London to the Ports used by the Company, or any of the civil Servants, or licensed Persons in India, may consign to London, in the Company's Ships, any Goods, &c. except as by this Act otherwise provided:

LXXXI. Provided also, and be it further enacted, That during the Continuance of the said exclusive Trade in the said Company, subject as aforesaid, it shall and may be lawful for any of his Majesty's Subjects resident in *Great-Britain*, or in any other Part of his Majesty's *European* Dominions, to export, on their own proper Risk and Account, in the Ships of the said Company, or in Ships freighted by them from the Port of *London*, to any of the Ports or Places usually visited by the Ships of the said Company, on the several Coasts of *Malabar* and *Coromandel*, or in the Bay of *Bengal* in the *East-Indies*, or the Island of *Sumatra*, any Goods, Wares, or Merchandizes of the Growth, Produce, or Manufacture of the said Dominions, save and except as is herein-after otherwise specially provided; and that in like Manner it shall and may be lawful to and for any of his Majesty's Subjects in the civil Service of the said Company in *India*, or being by Leave or License of the said Company, or under their Protection, as Merchants resident in *India*, respectively, to consign and put on Board the Ships of the said Company, or in Ships freighted by them, bound to *Great-Britain*, any Goods, Wares, or Merchandize, save and except also as is by this Act otherwise specially provided, in Order to the same being imported, on the Risk and Account of the Owners thereof, at the Port of *London*, under the Regulations herein-after specified and contained.

None but the Company, or by their License, to export or import certain Articles.

LXXXII. Provided also, and be it further enacted, That during the said further Term in the said exclusive Trade it shall not be lawful for any Person or Persons, save only the said Company, or such as shall obtain their special Leave and License in Writing for that Purpose, to export, ship, or carry out from *Great-Britain* to the *East-Indies*, or other Parts within the Limits of the said exclusive Trade, any military Stores, Ammunition, Masts, Spars, Cordage, Anchors, Pitch, Tar, or Copper; nor to ship, carry, or put on Board any of the said Company's Ships in the *East-Indies*, or other Parts of the said Limits, bound to *London*, or otherwise to bring or import into *Great-Britain* any *India* Callicoes, Dimities, Muslins, or other Piece Goods made or manufactured with Silk or Cotton, or with Silk and Cotton mixed, or with other mixed Materials; any Thing in this Act contained to the contrary notwithstanding.

LXXXIII. And whereas the sole and exclusive Right in the export Trade from *Great-Britain* to the *East-Indies*, and other Parts, within the Limits of the said Company's Charter, in the aforesaid Articles of Masts, Spars, Cordage, Anchors, Pitch and Tar, is by this Act reserved to and continued in the said Company, with Intent that the said Company may not only furnish a sufficient Quantity of those Articles for Consumption at their Forts, Garrisons, Ports and Dock-yards there, but also to send to *India* the said several Articles, and keep the Markets supplied therewith, as far as may appear to be consistent with public Security, at moderate Prices: And whereas it is fit and proper that the *British* and *Irish* Manufacturers of the said several Articles should have every further reasonable Satisfaction given to them, that the said exclusive Privilege shall not operate to their Injury or Prejudice through the Failure or Default of the said Company in carrying on their Export Trade in the said Articles to as large an Extent as Prudence and Policy will admit; be it therefore further enacted, That the Court of Directors of the said Company shall, in the Month of *February* in every Year, lay before the said Board of Commissioners for the Affairs of *India*, an exact Invoice of the Quantities and Sorts of Cordage, Pitch and Tar, and the Number and Sizes of Masts and Spars, and the Number and Weight of Anchors severally, exported by the said Company in the preceding Year; and shall also, when required so to do by the said Board, lay before the said Board a similar Invoice or Account of the Quantities, Numbers, Sizes and Weights, as far as the Case will admit, of all the Articles before enumerated, which shall be intended to be exported by the said Company in the ensuing Season; and that upon any Representation made to the said Board by any *British* or *Irish* Manufacturers of any Failure or Default in the said Company, of their exporting any of the said Articles to a sufficient or reasonable Extent in Quantity and Value, as well for the proper Consumption of the Forces of the said Company in *India*, and at their Ports, Garrisons, and Settlements there, as for meeting the Demands of the *India* Markets for the said Articles respectively, the said Board may and shall examine into the Grounds of such Representations, and the Allegations contained therein; and may and shall, according to the Circumstances of the Case, at their Discretion, make such Orders and Regulations for admitting Individuals to export to *India*, in the Ships of the said Company, or employed in their Service, at the like Rate of Freight as shall be then payable for other Goods exported thither in private Trade, all or any Sorts of the Articles herein-before enumerated, as the said Board shall from Time to Time judge fitting and proper, under and subject

In February annually, the Directors to lay before the Board an Invoice of the Cordage, &c. exported.

Board to examine any Representations made of the Insufficiency of such Articles exported by the Company, and may admit Individuals to export them in the Company's Ships;

subject to such Restrictions and Limitations as shall be expressed in their said Orders and Regulations concerning the same; and further, if the said Board shall see it requisite, it shall be lawful for the said Board to enlarge the Quantity of Tonnage by this Act directed to be provided for other private Trade, to an Extent not exceeding the Quantity which shall appear to the said Board to be necessary for the Carriage of the said Articles, so permitted to be exported by Individuals, and which said additional Tonnage shall be specifically set apart and reserved for that Purpose only; and that the said Company shall, and they are hereby required to provide such additional Quantity of Shipping or Tonnage accordingly; any Thing herein-before contained to the contrary notwithstanding.

and may enlarge the Tonnage for other private Trade for that Purpose.

LXXXIV. Provided also, and be it further enacted, That if the said Company shall not, on or before the thirty-first Day of *August* next after the passing of this Act, and also on or before the thirty-first Day of *August* in every subsequent Year during the Continuance of their said exclusive Trade, contract for and purchase, on their own Account, fifteen hundred Tons of *British* Copper, for the Purpose of Exportation to some Port or Place within the Limits of their said exclusive Trade, it shall or may be lawful to and for the Proprietors or Holders of *British* Copper residing in *Great-Britain*, in every such Year respectively, to export that Quantity, in Ships to be provided by the said Company, to any Ports or Places they think proper in the *East-Indies*, at the same Rates of Freight, and subject to the same Regulations as to the Amount of such Freight *per* Ton as are herein expressed with Respect to the Freight of other Species of *British* Manufactures and Produce on private Account; and that if the said Company shall not purchase or contract for so much as fifteen hundred Tons of *British* Copper in any one Year as aforesaid, it shall or may be lawful for the Proprietors or Holders of *British* Copper to export Ships to be provided by the said Company, such Quantity or Quantities as, together with the Quantities purchased by the said Company, shall amount to full fifteen hundred Tons, to be exported annually as aforesaid to the Ports or Places, and under and subject to the same Regulations as to the Amount of Freight *per* Ton in Ships to be provided by the said Company as is herein expressed on the Exportation of any other *British* Produce on private Account; and that the said Proprietors or Holders of *British* Copper exporting the same in Manner aforesaid, shall be at Liberty to obtain their Returns in the like Commodities of *India*, in the same Manner and in the same Proportions as herein provided for the other Proprietors of *British* Manufactures or Produce exported to *India* on their own Account by Virtue of this Act: Provided also, that in Case the said Company shall not on or before the thirty-first Day of *August* in any one Year, have bought or contracted for the full Quantity of fifteen hundred Tons of *British* Copper for the Purposes aforesaid, that then all Persons intending to export either the Whole or Part of the said fifteen hundred Tons remaining unsold to the said Company, shall signify the same by a Notice in Writing to the chief Secretary of the said Company, between the thirty-first Day of *August* and the fourteenth Day of *October* in every such Year, provided that the said Tonnage for the Copper to be so sent out to *India* in any of the Cases aforesaid, shall not be considered as Part of the Tonnage allowed by this Act for the private Trade.

If the Company do not by August 31, annually purchase 1500 Tons of Copper for Exportation, the Proprietors of Copper may export that Quantity, or the Deficiency, in the Company's Ships.

Persons intending to export Copper, to give Notice to the Company's Secretary.

Tonnage for such Copper not to be deemed Part of the private Trade Allowance.

LXXXV. Provided also, and be it further enacted, That if a sufficient Quantity of such Callicoes, Dimities, Muslins, or other Piece Goods of the Description aforesaid, shall not be imported by the said Company, and the Persons by them licensed to import the same, for keeping the Market supplied therewith, at reasonable Prices, to answer the Consumption in *Great-Britain*, as far as any of the said Sorts of Goods may lawfully be worn or used therein, and likewise for Exportation, it shall and may be lawful for the Board of Commissioners for the Affairs of *India* to make such Regulations for admitting Individuals to import in the said Company's Ships, or Ships employed by them, into *Great-Britain*, all or any of the Sorts of Goods herein-before specified, under such Conditions, Restrictions, and Limitations, as the said Board shall from Time to Time direct; any Thing in this Act contained to the contrary notwithstanding.

If the Company do not import a sufficient Quantity of Callicoes, &c. the Board may admit Individuals to import them in the Company's Ships.

LXXXVI. Provided also, and be it further enacted, That nothing in this Act contained shall extend to permit any Person to export or import in private Trade any Goods or Merchandize contrary to the Provisions of any Act or Acts of Parliament now in Force, and not by this Act expressly repealed, nor to vary, alter, or effect any Act or Acts now in Force for prohibiting the Consumption, Wearing, or Use of any foreign Manufacture within this Kingdom; but that all and singular the said Acts, and the Provisions and Regulations therein contained respectively, shall remain and continue of the same Force and Effect, to all Intents and Purposes, as if this Act had not been made; any Thing herein contained to the contrary notwithstanding.

Act not to permit any Person to export or import any Goods contrary to Law, nor to affect the Prohibition of the Use of any foreign Manufacture.

LXXXVII. And

Company to provide Tonnage for such Articles as may be exported or imported by Individuals.

LXXXVII. And inasmuch as the ensuring to private Merchants and Manufacturers the certain and ample Means of exporting their Merchandize to the *East-Indies*, and importing the Returns for the same, and other Goods, Wares, and Merchandizes allowed by this Act, at reasonable Rates of Freight, may essentially conduce to the Advancement of the Trade and Navigation of these Kingdoms; be it further enacted, That the said Company shall, in the proper Season of every Year, provide and appropriate three thousand Tons of Shipping at the least for the specific Purposes of carrying to the *East-Indies* such Goods, Wares, and Merchandize as may be lawfully exported thither by Individuals, and for bringing back from thence as well the Returns of the same as likewise the Goods of other Persons entitled to import the same into this Kingdom by Virtue of this Act; and if the said Quantity of Tonnage shall be found insufficient, or shall be found to be more than shall be sufficient for the Carriage of the said private Trade, Export or Import, the said Company shall from Time to Time find and provide such an additional Quantity of Tonnage, or lessen the Quantity of Tonnage to be provided for the Carriage of the said private Trade, as the Board of Commissioners for the Affairs of *India* shall, upon any Representation made to them from Time to Time, order and direct.

Directors may petition his Majesty if they think the Tonnage ordered by the Board for private Trade too large.

LXXXVIII. Provided always, and be it enacted, That in Case the Court of Directors of the said Company shall be of Opinion that the additional Quantity of Tonnage for the Carriage of the private Trade which shall at any Time hereafter be ordered and directed by the said Board of Commissioners for the Affairs of *India*, is greater than ought to have been directed or ordered, it shall be lawful for the said Court of Directors to apply by Petition to his Majesty in Council touching the same, and his Majesty in Council shall finally determine thereupon.

Rate of Freight for the Carriage of Goods in private Trade.

LXXXIX. Provided also, and be it further enacted, That the said Company shall be intitled to charge and recover, from the Owners of Goods imported or exported in private Trade, such Rates of Freight for the Carriage thereof as are hereinafter specified, and not any higher Rate or Rates, any Law or Usage to the contrary notwithstanding; (that is to say), For the Carriage of any Goods from *Great-Britain* to any Port or Place in the *East-Indies* in Time of Peace, after the Rate of five Pounds *per* Ton, and for the Carriage of any Goods from any Part of the *East-Indies* to *Great-Britain*, after the Rate of fifteen Pounds *per* Ton, computing such Tonnage in the same Manner as the Tonnage of Goods shipped by the said Company on their own Account; and that in Times of War, or Preparations for War, between *Great-Britain* and any other *European* Power or State, or when any Circumstances incidental to War, or Preparations for War, shall happen, whereby an Increase in the Rates of Freight payable by the said Company shall become unavoidable, then or as long as such War, or Preparations, or other Circumstances shall continue, the said Company shall be intitled to charge and recover, for the Carriage of the said private Trade, additional Rates of Freight, after a due Proportion to the additional Rates of Tonnage which shall be paid by the said Company for the Hire of Ships for their own Trade, and at or after no higher Rate or Proportion.

Intention of advancing the Rates of Freight on private Trade to be communicated to the Board for their Approbation.

XC. And be it further enacted, That when any Circumstance shall arise which, according to the true Intent and Meaning of this Act, shall entitle the said Company to make any Advance in the said Rates of Freight on private Trade, the Court of Directors of the said Company shall, before they shall be entitled to increase the same, communicate in Writing to the Board of Commissioners for the Affairs of *India* their Intentions so to do, with their Reasons for the same, and the Extent of the Increase by them proposed, with such other Information or Observations relating thereto as shall to them appear material to be known by the said Board; and that no Increase shall be made in the said Rates but such as shall be approved by the said Board; and that any Increase so made shall be subject and liable to be reduced or discontinued, as Circumstances may admit or require, and as the said Board shall, from Time to Time, in that Behalf direct.

Every three Years, the Directors to consider whether any Abatement can be made in the Rates of Freight in private Trade, and to communicate their Observations to the Board.

XCI. And be it further enacted, That in the Month of *August*, one thousand seven hundred and ninety-four, and so afterwards in the Month of *August* in every third Year, during the Continuance of the further Term hereby granted to the said Company in their said Trade, the Court of Directors of the said Company shall take into their Consideration how far and to what Extent the then general State and Condition of the Affairs of Shipping may call for, or will reasonably admit of any Abatement in the Rates of Freight then paid or payable on private Trade, and to certify in Writing such Facts and Observations as may occur in Respect thereto, unto the Board of Commissioners for the Affairs of *India*, together with their Opinion whether the said Rates will fairly admit of any Reduction or Abatement, and to what Extent, and whether for the Whole or for any and what Part of the Term of three Years then next following, with their Reasons for the same; and that the said Board shall take the Report of the said Directors into their Consi-

ration, and either approve the Alterations proposed by the said Directors, or make such other Order therein as to the said Board shall appear just and expedient; and that the Order of the said Board in Respect thereto shall be valid and conclusive on the said Company.

Persons intending to export Goods from Great-Britain to give Notice to the Company's Secretary, and to deposit the Freight, &c.;

XCII. Provided always, and be it further enacted, That all Persons intending to export any Goods from *Great-Britain* to the *East-Indies* shall signify the same by a Notice in Writing to the Chief Secretary of the said Company before the last Day of *August* in each Year, for the Ships of the ensuing Season, and that every such Notice shall specify the Name of the Port or Place of Destination of such Goods, and the Quantity of Tonnage required for the same, and the Period when the Goods will be ready to be laden or put on Board; and that every Person giving any such Notice shall, on or before the fifteenth Day of *September* next ensuing the Delivery thereof, deposit in the Treasury of the said Company the Money chargeable for the Freight upon the Quantity of Tonnage thereby required or therein specified, unless the Court of Directors of the said Company shall think fit to accept any Security for the Payment thereof; and that every such Person shall also, before the thirtieth Day of *October* following, deliver to the said Secretary a List of the Sorts of Goods intended to be exported, and the Quantities of each of such Sorts respectively; and that in Default thereof, or Failure in providing the Goods to be shipped within the Time specified in the Notice for that Purpose, the Deposit made, or Security taken for the said Freight, shall be forfeited to the said Company.

and Persons intending to export them from India to give Notice to the Secretary of the Presidency, &c.

XCIII. Provided also, and be it further enacted, That all Persons intending to export any Goods from any Port or Place in the *East-Indies* to *Great-Britain*, shall signify the same by Notice in Writing to the chief Secretary of the Presidency in *India* wherein the same are to be shipped, or to such Person as shall be specially authorized to receive the same by the respective Governments abroad, within a reasonable and convenient Time, to be limited by the said respective Governments for that Purpose, in which Notice shall be specified the Sorts and Quantities of Goods intended to be shipped, the Quantity of Tonnage required, and the Period when the Goods will be ready to be put on Board; and that every Person giving such Notice shall make a Deposit at the Treasury of such Presidency or Settlement respectively of the whole Amount of the Freight upon the Quantity of Tonnage specified in the said Notice, or otherwise give such reasonable Security for the Payment thereof in *Great-Britain*, and the due Performance of his Engagements in that Behalf, as the said respective Governments shall require; and if any of the Persons giving such Notice shall not provide his or their Goods to be shipped within the Time or Times therein specified for that Purpose, their Deposits made, or Securities given for the Freight, shall be forfeited to the said Company.

Vacant Tonnage may be occupied by the Goods of the Company.

XCIV. Provided also, and be it further enacted, That if any vacant Tonnage shall remain, not engaged by Individuals, either in *Great-Britain* or the *East-Indies*, after the Times limited for giving such Notices respectively, the said Tonnage, together with any other vacant Tonnage occasioned by the Failure or Default of any Person or Persons in the Delivery of their Goods within the Period specified in their Notices for that Purpose, shall and may be occupied by the Goods of the said Company, without any Allowance to the Persons making such Default in Respect thereof; and that if the whole Quantity of Tonnage required for private Trade in any Year, either in *Great-Britain* or the *East-Indies*, shall exceed the whole Quantity to be provided for private Trade, according to the true Intent and Meaning of this Act, in such Year respectively, in that Case the Whole of the Tonnage provided shall be impartially distributed amongst the Parties requiring the same, in Proportion to the Quantities specified in their respective Notices; and that on every such Occasion the said Distribution shall be made with all convenient Dispatch, and the Quantity of Tonnage appertaining to each of the Persons intitled thereto shall be notified to them respectively by the said Secretary or other proper Officer in Writing, seven clear Days at the least antecedent to the Day appointed for making the Deposit, or giving Security for the said Freight, in the Manner before directed.

If Tonnage required for private Trade shall exceed the Quantity provided, the whole shall be proportionally distributed.

Civil Servants of the Company, or licensed Persons in India, may act as Consignees, &c.

XCV. And be it further enacted, That it shall and may be lawful for any Persons residing in *India*, in the civil Service of the said Company, or by their Leave or License, not being restricted by their Covenants with the said Company, or otherwise specially prohibited by them or their Governments in *India* from so doing, and not being in any judicial or military Capacity, to act as commercial Agents, Managers, or Consignees, on the Behalf of such Persons as shall think fit to employ them, as well in the Disposal of any export Goods, not hereby prohibited from being exported by Individuals, as in providing such other Kinds of Goods as may by Law be imported by Individuals into *Great-Britain* on their private Account, without incurring

ring any Penalty or Forfeiture in Respect thereof; any Law or Statute to the contrary notwithstanding.

Directors to license a sufficient Number of free Merchants to dispose of private Trade.

XCVI. And be it further enacted, That if upon any Representation made to the Court of Directors of the said Company, by or on the Behalf of any private Traders, of the Want of a sufficient Number of Persons in the *East-Indies*, duly authorized and properly qualified to act for them in the Disposal of their Cargoes, and the Purchase and Investments of Goods in Return for the same, the said Court shall fail to license a further Number of Persons to reside in *India* in the Character of free Merchants, to the Satisfaction of the said private Traders, it shall and may be lawful for the said Traders to represent the same to the Board of Commissioners for the Affairs of *India*, and that the said Court of Directors shall thereupon license a proper and sufficient Number of Persons to reside at their Settlements in the *East-Indies*, in the Character of free Merchants, with the Approbation of the said Board.

Agents for private Traders subject to the Authority of the Company.

XCVII. Provided also, and it is hereby enacted and declared, That the Officers and Servants of the said Company, and all other *British* Subjects, during their Residence in *India*, notwithstanding their being employed to act as Agents, Factors, or Managers for private Traders, shall continue amenable and subject to the Powers and Authorities of the said Company and their Governments in *India*, in the like Manner as if they had not so acted, or had not been so employed; any Thing in this Act contained to the contrary notwithstanding.

No Persons to reside more than ten Miles from a principal Settlement, without Leave of the Governor, &c.

XCVIII. And be it further enacted, That during all such Time as the said Company shall be intitled to the said exclusive Trade, subject as aforesaid, it shall not be lawful for any *British* Subject or Subjects in the Service of the said Company, or licensed by them to go to or to live or continue in *India*, to reside in any other Place there than in one of the principal Settlements of the said Company, or within ten Miles of such principal Settlement, without the special License of the said Company, or of the Governor-General, or Governors of such principal Settlement, in Writing, for that Purpose first had and obtained; nor shall any such *British* Subject or Subjects go to or continue beyond the Limits aforesaid for any longer Space of Time, or at any other Time or Times respectively, than shall be specified in his or their License or Order of Leave in that Behalf, on Pain of being dismissed the Service of the said Company, and forfeiting to the said Company such Wages, Salaries, and Allowances as shall be due by the said Company to the Person or Persons so offending, and of his or their License or Licenses to continue or reside in *India*.

Act 9 Gul. 3. recited.

XCIX. And whereas, by Virtue of the said Act made in the ninth Year of King *William* the Third, the said Company is intitled to receive a Duty of five Pounds for every hundred Pounds of the true and real Value of all Goods, Wares, and Merchandizes of the Growth, Product, or Manufacture of the *East-Indies*, or other Parts within the Limits of their said exclusive Trade, imported or brought into this Kingdom in private Trade, towards defraying certain Charges in the said Act mentioned and specified: And whereas the said Company have, over and besides the said Duty of five Pounds *per Centum*, been accustomed to charge and retain, for their own Use, after the Rate of two Pounds *per Centum* on the gross sale Amount of all Goods, Wares, and Merchandizes imported into this Kingdom from the *East-Indies* in private Trade, in Recompense and Satisfaction for the Charges and Expenses of unshipping and selling the same, and otherwise in the Care and Management thereof: And whereas, for the Encouragement of the said private Trade, it is deemed expedient that the said Duty of five Pounds *per Centum* should be repealed, and the said Charge of two Pounds *per Centum* discontinued; and that the said Company should be entitled to receive, in Lieu thereof respectively, to recompense them from the said Charges on private Trade, after the Rate of three Pounds for every hundred Pounds on the true and real Value or gross sale Amount of all Goods imported from the *East-Indies* in private Trade, including the Duties and Charges payable in Respect thereof: Be it further enacted, That, from and after the first Day of *March* one thousand seven hundred and ninety-four, the said Duty of five Pounds *per Centum* granted by the said Act shall be repealed, and the said Charge of two Pounds *per Centum* discontinued, and that in Lieu thereof respectively there shall be rendered and paid to the said Company, during their further Term by this Act granted in the said exclusive Trade, a Duty or Allowance after the Rate of three Pounds *per Centum* on the gross sale Amount of all Goods, Wares, and Merchandizes imported or brought into this Kingdom from the *East-Indies* in private Trade, including in such Value or Amount all Duties and Charges payable in Respect thereof, the same to be paid by the Owners thereof, or otherwise to be retained by the said Company out of the Proceeds of such Goods, in Satisfaction and Discharge of the Expenses to be incurred by the said Company

From March 1, 1794, in Lieu of Duty granted by recited Act, and Charge of 2l. per Cent. on private Trade, an Allowance of 3l. per Cent. granted;

Company in the unshipping, hoyage, cartage, warehouse-room, sorting, lotting, and selling the said Goods, or in any other Manner concerning the same, over and above the Freight becoming due for the Carriage thereof by Virtue of this Act; and that no other Charge, beyond the said Allowance of three Pounds *per Centum* by this Act granted, shall be made by the said Company in Respect of the Expenses attending the said private Trade, the Freight for the Carriage thereof only and always excepted.

but not to extend to Imports from China, or to affect Engagements of the Company with their Captains, &c.

C. Provided always, and be it further enacted, That the said Repeal shall not extend to release the Payment of the said Duty of five Pounds *per Centum* or the said Charge of two Pounds *per Centum* on any Goods, Wares, or Merchandize which shall be brought home and imported in any of the Ships of the said Company, or in their Service from *China*, nor to affect any Covenants or Engagements now subsisting or hereafter to be made, by or between the said Company, or on their Behalf, with the Masters and Commanders of the Company's Ships, or with any other of the Officers or Servants of the said Company, in whatever Employment or Capacity they may happen to be, but that all and every such Covenants and Engagements shall be, and be held, deemed, and taken to be of the same Force and Effect, to every Intent and Purpose, as if this Act had not been made; the said Repeal, or any other Matter or Thing herein contained, to the contrary notwithstanding.

Directors to form Rules for Sales of raw Silk, &c. and lay the same before the Board for Revisal, &c.

CI. And whereas, for encouraging Individuals to engage in the import Trade of the several Sorts of raw Materials herein-after specified, and also for securing to Manufacturers the Means of furnishing themselves therewith at the said Sales, it is expedient that proper Rules and Regulations should be made for providing for speedy and frequent Sales of such Materials, and in moderate Lots; and for preventing, as far as may be, any undue Preference being given in Respect either of the Mode or Times of the making Sale of any of the said Commodities, as between the Company and Individuals, or as between one Individual and another; be it enacted, That it shall and may be lawful for the Court of Directors of the said Company, and they are hereby required forthwith, after the passing of this Act, to frame such Rules and Regulations for the future Sales of all raw Silk, Sugar, Cotton Yarn, Cotton Wool, and other Wool, Skins, dying Woods and Drugs, and other Articles of raw Materials, imported either in private Trade or on the said Company's own Account, as in their Judgment shall appear best adapted for the several Purposes aforesaid, and to lay the same before the Board of Commissioners for the Affairs of *India*, for their Revisal and Approbation; and that the Rules and Regulations which shall be so framed and approved shall be deemed and considered of the same Force as a Bye-law of the said Company, subject nevertheless to such future Revision and Alteration by the said Court of Directors, with the Approbation of the said Board, as Circumstances may from Time to Time be found to require in that Behalf.

Goods imported in private Trade to be secured in the Company's Warehouses, and publicly sold, &c.

CII. Provided always, and be it further enacted, That all Manner of Goods imported in private Trade, as well raw Materials as others, shall be secured in the Company's Warehouses, and sold openly and publicly by Inch of Candle, or by Way of public Auction, and in no other Manner, under the Order and Authority of the Court of Directors of the said Company, on the Account of the proper Owners thereof; and that when any of such Goods shall be bought in by the Owners, the whole Consignments so bought in shall and may be delivered out to them with all convenient Speed after the Sales thereof, upon Payment of the Freight, Duties, and other Charges to which the same shall be liable, without the actual Payment of the gross Prices or sale Amount of the said Goods; and that the said private Trade, and the Sales thereof, shall be in all Respects managed and conducted according to the Bye-laws of the said Company, made and provided for the Management of the said private Trade, save only and except as is otherwise directed, provided, or authorized by this Act.

Goods of private Merchants to be registered previous to shipping, &c.

CIII. Provided also, and be it further enacted, That previous to the shipping of any Goods under the Authority of this Act, by private Merchants or Manufacturers, the same shall be duly registered in Books kept by the said Company for registering private trade Goods, in which Registry shall be described the Marks and Numbers of each Bale or Package of Goods so shipped, and the Amount of the Tonnage of all the Goods shipped by each Merchant or Manufacturer; and an Order or License in Writing shall be given, under the Hand of the proper Officer of the said Company, for the shipping of such Goods; and all Goods which shall be shipped either in *London* or the *East-Indies*, without being so registered, shall be considered as Goods illicitly shipped, and the said Goods shall be subject to such Seizure and Forfeiture, and the Owners, Shippers, and Agents concerned therein, to such Forfeitures and Penalties, as any Person shall be

be subject to by Law, for carrying on Trade to or from the *East-Indies* without the said Company's License.

Goods exported or imported by private Persons to be subject to the same Rates as those of the Company.

CIV. Provided also, and be it further enacted, That all Goods, Wares, and Merchandizes, exported or imported by Virtue of this Act, by or on the Account of any private Merchants, Traders, or other Persons, shall be subject to the Payment of the like Rates, Customs, and Duties of Import and Export, both in *India* and *Great-Britain*, as the Goods, Wares, and Merchandizes of the same Kinds or Sorts, of and belonging to the said Company, are or shall be subject or liable unto, and to no other Rates, Customs, or Duties whatever, the aforesaid Duty or Allowance of three Pounds *per Centum*, granted to the said Company for the Purposes aforesaid, always excepted; any Act or Acts to the contrary notwithstanding.

Company not liable to pay for Embezzlement, &c. of Goods.

CV. Provided also, and it is hereby enacted and declared, That the said Company shall, by Virtue of this Act, be wholly exempted, freed, and exonerated from the Claims of Individuals in Respect to any Compensation or Satisfaction which the said Company might otherwise be liable to answer or pay as Carriers of Goods, for any Embezzlement, Waste, Losses, or Damages of any Goods, Wares, or Merchandize, during the Time of their being on Board the Ships of or employed by the said Company, or in any of their Warehouses in *Great-Britain* or *India*, or in their Transit to or from such Ships; any Law or Statute to the contrary notwithstanding.

Securities given by the Servants of the Company to extend to the Property of Individuals, &c.

CVI. And be it further enacted, That the Deeds of Covenant, and other Engagements and Securities, made, given, or entered into by any of the Officers and Servants of the said Company, entrusted by them with the Custody, Care, or Management of Goods, Wares, and Merchandizes, whether at Sea or on Shore, for the due Execution of the Trust reposed in them, shall be deemed in Law to extend to and include as well such Goods, Wares, and Merchandize, as are the immediate Property of the said Company, as such as are the Property of Individuals; and that all or any of the Officers and Servants of the said Company, so by them intrusted, and all other Persons having at any Time the Custody or Care of any such Goods, Wares, or Merchandize, by or through whose Means, Default, Procurement, Neglect, or Want of Care, any Embezzlement, Waste, Loss, or Damage, shall or may arise or be sustained, shall be liable at Law to answer for the same in Damages and Costs to the proper Owners thereof; and that if such Owners shall be desirous of being availed of the Benefit of any such Deeds of Covenant or Engagement, and shall give such Security or other Indemnity to the Court of Directors of the said Company, as the said Court shall require for securing the said Company, and keeping them indemnified from all Costs and Damages in that Behalf, it shall be lawful for the Party or Parties aggrieved by any such Embezzlement, Waste, Loss, or Damage, in his Property, to sue upon any such Deed, Engagement, or Security, in the Name of the said Company, and to take the full Benefit of any Verdict or Judgment which shall be obtained or pronounced therein, and to issue or award Execution thereupon; any Law or Usage to the contrary thereof notwithstanding.

Application of the Surplus arising from the territorial Acquisitions and Revenues in India.

CVII. And be it further enacted, That for and during so long Time as the said Company shall be intitled to the whole, sole, and exclusive Trade and Traffic in, to, and from the *East-Indies*, and other Places within the Limits of their Charter, subject to the Provisions, Regulations, and Limitations in this Act contained, the clear Profits arising from the said territorial Acquisitions and Revenues in *India*, after defraying the Charges and Expenses of collecting the same, shall be applied and disposed of to and for the Uses and Purposes herein-after expressed in the following Order of Preference, and to or for no other Use or Purpose, or in any other Manner whatever, any Act or Acts of Parliament now in Force to the contrary notwithstanding; (that is to say), In the first Place, in defraying all the Charges and Expenses of raising and maintaining the Forces as well *European* as Native, Military and Marine, on the Establishments in *India*, and of maintaining the Forts and Garrisons there, and providing warlike and naval Stores: Secondly, In Payment of the Interest accruing on the Debts owing, or which may be hereafter incurred by the said Company in *India*: Thirdly, In defraying the civil and commercial Establishments of the said Company at their several Settlements there: Fourthly, That there shall be issued to the respective commercial Boards of the said Company, at their several Presidencies in *India*, in such Proportions as the Court of Directors of the said Company, with the Approbation of the Board of Commissioners for the Affairs of *India*, shall from Time to Time direct, a Sum of not less than one Crore of current Rupees in every Year, to be applied in the Provision of the Company's Investment of Goods in *India*, and in Remittances to *China*, for the Provision of Investment of Goods there: And, fifthly, that as often as any Part of the said Debts shall be redeemed or discharged

charged in *India*, or transferred from thence to *Great-Britain*, it shall and may be lawful to and for the said Court of Directors, with the Consent of the said Board of Commissioners, to increase the annual Advancement to the said commercial Boards, for the Provision of Investments in *India* and *China*, in the same Extent to which the Interest of the Debts in *India* shall be reduced by such Extinction and Transfers respectively, if the Trade of the said Company from *India*, and their Remittances to *China*, shall admit of or require such Increase: And that after the Appropriations aforesaid, or Sums set apart sufficient to answer and make good the same, the Surplus of the said Revenues shall be applied to the Liquidation of the Debts of the said Company in *India*, or to such other Uses and Purposes as the Court of Directors, with the Approbation of the Board of Commissioners for the Affairs of *India*, shall from Time to Time direct; any Act or Acts of Parliament to the contrary thereof notwithstanding.

Governments in India may grant Bills upon the Directors for transferring Debts in India to Great-Britain.

CVIII. And whereas sundry Debts, incurred in the Defence and Protection of the *British* Possessions in *India*, bearing Interest, are now due and owing by the said Company there, amounting to seven Crores of current Rupees, or seven millions of Pounds Sterling, or thereabouts: And whereas it may be convenient and beneficial to the Company's Affairs, that the greater Part of the said Debts should be transferred or remitted to and paid in *Great-Britain*; and it is therefore expedient that proper Encouragement should be given to the Creditors of the said Company in *India*, to transfer and remit the same accordingly: Be it further enacted, That it shall and may be lawful for the several Governments and Presidencies in *India* from Time to Time to grant Bills of Exchange upon the Court of Directors of the said Company, payble in *Great-Britain*, at such equitable Rates of Exchange as shall be from Time to Time directed or authorized by the said Court of Directors, with the Approbation of the said Board of Commissioners for the Affairs of *India*, for the Purposes of transferring and remitting the said Debts, in Manner aforesaid incurred by the said Company, and now due and owing by them in *India* to *Great-Britain*, until the said Debts in *India* shall be reduced to a Sum not exceeding two Crores of current Rupees, or two millions of Pounds Sterling, and that the said Court of Directors shall be, and are by Force and Virtue of this Act, fully authorized and empowered to accept and discharge such Bills of Exchange accordingly, over and besides such other Bills of Exchange as the said Company could or might lawfully accept and pay if this Act had not been made, and not otherwise, or in any other Manner; any Law or Statute to the contrary notwithstanding.

If such Bills are not accepted by the Creditors to the Amount of 500,000*l.* annually, the Deficiency to be made up by Loans.

CIX. Provided also, and be it further enacted, That if the Creditors of the said Company in *India* shall decline to accept of and receive such Bills of Exchange as aforesaid in Payment or Discharge of their said respective Debts, or shall not accept the same to the Amount of five hundred thousand Pounds in any Year, it shall and may be lawful for the Governor-General in Council of *Fort William*, in *Bengal*, or for the Governors in Council of the several Presidencies of *Fort Saint George* and *Bombay* respectively, by the Order and Authority of the said Governor-General in Council, to raise a sufficient Sum or Sums whereby to make up a Remittance for such Year to the Amount by which the Total of Bills of Exchange so accepted by the said Creditors shall fall short of the said Sum of five hundred thousand Pounds by Loans of and from any other Persons willing to advance the same upon the Credit of Bills of Exchange to be drawn by them upon the said Court of Directors, at such equitable Rates of Exchange as shall be authorized and directed in the Manner before-mentioned; and that the Money so raised in *India* shall forthwith, upon Payment thereof into the proper Treasury there, be issued and applied towards the Liquidation and Discharge of the said Debts of the said Company in *India*, and to or for no other Use or Purpose whatever.

Bills not to be granted for more than 500,000*l.* annually, unless by Order of the Directors.

CX. Provided also, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to authorize any of the Governments in *India* to grant Bills of Exchange for the Purpose of transferring or remitting the said Debts from *India* to *Great-Britain*, to become due and payable within any one Year, to be computed from the first Day of *January* in the same Year, exceeding in Amount the Sum of five hundred thousand Pounds, unless by the special Order and Authority of the Court of Directors of the said Company, for that Purpose first had and obtained; any Thing herein contained to the contrary notwithstanding.

Application of the Profits of the Company in Great-Britain.

CXI. And be it further enacted, That during the Continuance of the exclusive Trade to the said Company the net Proceeds of their Sales of Goods at Home, with the Duties and Allowances arising by private Trade, and all other Profits of the said Company in *Great-Britain*, after providing for the Payment of Bills of Exchange already accepted by the said Company, as the same shall become due, and for the current Payments of other Debts, Interest, and other Outgo-

ings,

ings, Charges, and Expenses of the said Company, (their Bond Debt always excepted), shall be applied and disposed of in the following Manner; (that is to say), First, in Payment of a Dividend, after the Rate of ten Pounds *per Centum per Annum*, on the present or any future Amount of the Capital Stock of the said Company, the first half Year's Payment thereof to commence and be made at *Midsummer* one thousand seven hundred and ninety-three: Secondly, in Payment of five hundred thousand Pounds *per Annum*, the same to be set apart on the first Day of *March* and the first Day of *September* half-yearly, in equal Portions, and applied in the Discharge of Bills of Exchange drawn or to be drawn in *India*, for the Transfer or Remittance of the Debts of the said Company from thence to *Great-Britain*, for the Diminution of such Debts, until the same shall be reduced to two Crores of current Rupees, or two millions of Pounds Sterling: Thirdly, in Payment of a Sum not exceeding five hundred thousand Pounds in every Year, into the Receipt of his Majesty's Exchequer, to be applied as Parliament shall direct, the same to be set apart for that Purpose on the first Day of *July* and the first Day of *January* in every Year, by equal Portions, and the first half-yearly Payment thereof to be made or accounted due on the first Day of *July*, one thousand seven hundred and ninety-three; and if the said Funds shall prove insufficient in any Year to satisfy such last mentioned Payments into his Majesty's Exchequer, that then and in every such Case the same shall be made good, except as in this Act is otherwise specially provided, out of any Surplus which may remain from the said net Proceeds in any subsequent Year, after the Payment of the annual Sum of five hundred thousand Pounds into the Receipt of his Majesty's Exchequer becoming due in each Year respectively: And that until the said Debts in *India* shall be reduced to the said Amount of two Crores of current Rupees, or two millions of Pounds Sterling, the ultimate Surplus which shall remain of the said net Proceeds, after such Payments thereout made as aforesaid, shall and may be from Time to Time set apart and applied in Augmentation of the said Fund or annual Sum of five hundred thousand Pounds a Year, hereby appropriated for the Reduction of the said Debts in *India*, in and for the Reduction thereof, by the Discharge of any further Bills of Exchange to be drawn from thence, either for the Transfer and Remittance thereof to *Great-Britain*, or for Loans of Money to be borrowed on the Credit of any Bills of Exchange which shall be granted by the Order of the Court of Directors, to any greater Amount than is herein-before limited or directed in that Behalf; or otherwise it shall be lawful for the said Court of Directors to apply any Part of the said ultimate Surplus of the said net Proceeds in the Payment of any Debts of the said Company in *Great-Britain*, (the said Bond Debt of one million five hundred thousand Pounds only excepted), or to the Purchase of any Goods, Wares, or other Merchandize, to be disposed of in *India* or *China*, and to appropriate the Produce thereof in and towards the more speedy Diminution of the said Debts in *India*: And that when and so soon as the said Debts in *India* shall have been reduced to the Amount herein-before limited in Respect thereof, and the Bond Debt in *Great-Britain* to one million five hundred thousand Pounds, the Surplus of the said net Proceeds, after providing for the current Payments of Interest, and other Outgoings, Charges, and Expenses of the said Company, and of a Dividend after the said Rate of ten Pounds *per Centum per Annum*, on the said capital Stock, and the said annual Sum of five hundred thousand Pounds to be paid into the Exchequer, and after making good all former Deficiencies in the said annual Payments, otherwise than as is provided by this Act, shall be applied and disposed of in Manner following; (that is to say), one sixth Part of the said Surplus, computed and adjusted to the first Day of *March* in every Year, shall be reserved and retained by the said Company, for their own Use, and applied in Augmentation of the Dividends on their said capital Stock; and that the Residue of the said Surplus shall be set apart, and from Time to Time paid by the said Company, into the Bank of *England*, within the first Week in *April* in each Year, to be there placed to the Account of the Commissioners appointed by an Act of the twenty-sixth Year of his Majesty's Reign, intituled, *An Act for vesting certain Sums in Commissioners, at the End of every Quarter of a Year, to be by them applied in the Reduction of the National Debt*, until the Monies so paid, together with the Sums arising by the growing Interest thereof, shall have amounted to twelve millions of Pounds Sterling; and that, from and after such Payments, together with the Money so arising by the said growing Interest, shall have amounted to the said Sum of twelve millions of Pounds Sterling, the said Surplus shall be from Time to Time paid into the Receipt of his Majesty's Exchequer, and be there placed to the Account of the Consolidated Fund, as the Property of the Public in full Right.

If Funds prove insufficient to pay 500,000*l.* into the Exchequer in any Year, the Deficiency to be made good in a subsequent Year; and

till the Debts in India be reduced to 2,000,000*l.* the ultimate Surplus of Proceeds to be applied as herein mentioned.

Application of the net Proceeds after Debts are reduced to certain Amounts.

26 Geo. 3, cap. 31, recited.

CXII. Provided also, and be it further enacted, That if the Debts of the said Company in *India*, after the same shall have been reduced to two Crores of current Rupees, or two millions of Pounds Sterling, shall be again increased beyond that Amount, or if their Bond Debt in *Great-Britain*, after the same shall have been reduced to one million five hundred thousand Pounds, shall be

If the Debts, after Reduction, shall be again increased beyond certain Sums, the like Appropria-

be again, such Debts shall beyond that Sum, then, and so often as either of those Cases shall happen, the like Appropriations as are herein-before directed or authorized to be made for the Reduction of the said present Debts shall again take place and be made for the Reduction of the said present Debts of the said new Debts respectively, until the Whole of the Debts of the said Company in *India* shall be reduced to two Crores of current Rupees, and their Bond Debt in *Great-Britain* to one million five hundred thousand Pounds; any Thing in this Act contained to the contrary notwithstanding.

tions for their Reduction again to take Place.

CXIII. And be it further enacted, That the Governor and Company of the Bank of *England* shall raise and keep a Account with the said Commissioners in their Books, to be intituled *The Account of the Guarantee Fund of the United Company of Merchants of* England trading to the *East-Indies*, and that as well all such Monies as shall be so paid by the said United Company to the said Governor and Company by Virtue of this Act, as also the annual Dividends or Interest to arise therefrom, in Manner by this Act provided, shall be placed to the said Account, and shall be severally and respectively, under the Order and Direction of the said Governor and Company of the Bank of *England*, laid out and invested in the Names of the said Commissioners, in the Purchase of Capital Stock in any of the redeemable Public Annuities transferrable at the Bank of *England*, the same to be transferred to the said Commissioners on Account of the said Guarantee Fund, in the Books of the said Governor and Company of the Bank of *England*, and that the Dividends payable thereon shall from Time to Time be received by the said Governor and Company of the Bank of *England*, and be placed to the Account of the said Commissioners.

Bank to keep an Account with the Commissioners under the last recited Act, and to invest Monies paid, in their Names, &c.

CXIV. And be it further enacted, That when and after the Monies paid by the said United Company to the said Governor and Company of the Bank, together with the Monies received for Dividends on the Capital Stock of Annuities purchased therewith, and with the Proceeds thereof, shall have amounted to twelve millions of Pounds Sterling, the Dividends of the said Capital Stock of Annuities shall, in Preference to any other Disposition thereof, be subject and liable to make good to the said United Company, for and during all such Time as they shall continue to trade with a joint Stock, any Deficiency or Deficiencies in their own Funds applicable to the Payment of the said Dividend of ten Pounds *per Centum per Annum* on the Capital Stock of the said United Company, if any such Deficiency shall happen in such Payment or Payments; and that when there shall be no such Deficiency, or, being such, after the same shall be made good out of the said Dividends, such Dividends, or the Surplus thereof, shall be deemed to be the Property of the Public, and shall be paid, when and as often as the same shall arise, by the said Governor and Company of the Bank of *England* into the Receipt of the Exchequer, and be there carried to the Account of the Consolidated Fund.

When the Capital Stock in the Names of the Commissioners shall amount to 12,000,000*l.* the Dividends liable to make good any Deficiency in the Dividends on the Company's Stock;

CXV. And be it further enacted, That the Capital Stock of Annuities wherein, or in the Purchase whereof, the said Sum of twelve millions of Pounds Sterling shall be invested, pursuant to the Directions of this Act, shall be deemed and considered as a Guarantee Fund for the better securing to the said United Company their said Capital Stock, or the Value thereof, such Value being always computed for that Purpose after the Rate of two hundred Pounds for every one hundred Pounds of such Capital Stock; and that if, at the Time of the Right and Title of the said United Company to the said whole, sole, and exclusive Trade (limited as aforesaid) becoming determined, their own Funds and Assets, real and personal, shall be insufficient to pay and satisfy all their just Debts, and to make good to the said Company their said Capital Stock, or the Value thereof, computing the same after the said Rate of two hundred Pounds for every one hundred Pounds of the said Stock, that then the said Capital Stock of Annuities, or Guarantee Fund, shall be deemed and considered, as far as the same shall or may extend for that Purpose, to be in the first Place, and before any other Application thereof, subject and liable to make good to the said Company, and their Creditors, the Deficiency so arising in their own Funds and Effects for the Purpose aforesaid; and that the said Capital Stock of Annuities, or the Surplus thereof, after making good such Deficiency (if any such there shall be), shall remain and continue as a Guarantee Fund for the better securing the Capital Stock of the said United Company, or the Value thereof, rating the same as aforesaid, after such Determination of their whole, sole, and exclusive Trade, for so long Time as they shall continue to trade with a joint Stock, and subject thereto; and after making good all such Deficiencies, that the said Capital Stock of Annuities, or so much thereof as shall then remain, shall be and be deemed the Property of the Public.

and the said Capital Stock to be a Guarantee Fund of the Company's Stock, &c.

CXVI. And be it further enacted, That, from and after any Money shall be paid by the said United Company to the said Governor and Company of the Bank of *England*, by Virtue of this Act, an Account shall be made to the last Day of *January* in every Year, by the Gover-

Bank to lay before Parliament an Account of Money paid by the United Com-

pany on Account of the said Commissioners.

nor and Company of the Bank of *England*, of all Sums which shall have been ...pted), ...them by the said United Company, or carried into their Books on Account of the said ...ment of ...missioners, under or by Virtue of this Act, and also of all Sums of Capital Stock of Annuities ...futur... which in Pursuance hereof shall have been purchased in the Names of the said Commissioners, ...comm..., with the Interest accruing thereupon, and of the Application of the same respectively, in ...ich Account the said Governor and Company of the Bank of *England* are hereby required ...y before both Houses of Parliament, on or before the fifteenth Day of *February* immediately ...following, if Parliament shall be then sitting, and if Parliament shall not then be sitting, ...within fourteen Days after the Commencement of the then next Session of Parliament. ...s of

Securities given by Cashiers to extend to this Act.

CXVII. And be it further enacted, That the Security or Securities given, or hereafter to be given, by the Cashier or Cashiers of the Governor and Company of the Bank of *England* for the due Performance of their Trust, in Pursuance of a Clause for that Purpose contained in the said Act of the twenty-sixth Year of his Majesty's Reign, shall extend and be deemed in Law to extend to their due Performance of the Trust by this Act reposed in the said Cashier or Cashiers respectively.

Allowance to be made the Bank for their Services.

CXVIII. Provided always, and be it further enacted, That such reasonable Allowances shall be made to the said Governor and Company of the Bank of *England*, and their Cashier or Cashiers, in Respect of their Services, Labour, and Expenses in the Performance of the Trusts hereby reposed in them, as the Commissioners of his Majesty's Treasury, or the High Treasurer for the Time being, shall in that Behalf direct, the same to be paid or retained out of the annual Dividends or Proceeds of the Capital Stock or Annuities to be purchased under the Authority of this Act; any Thing herein contained to the contrary notwithstanding.

On Failure of Payment of Monies into the Exchequer and the Bank, the same may be recovered with Damages in any Court of Record at Westminster.

CXIX. And be it further enacted, That the said United Company and their Successors shall, and they are hereby directed and required to pay into the Receipt of his Majesty's Exchequer, and into the Bank of *England*, the several and respective Sums of Money by this Act directed to be paid by them, at or within the Times, and in the Manner and Form aforesaid, and according to the true Intent and Meaning of this Act; and if the said United Company or their Successors shall make Failure in any Payment hereby appointed to be made by them into the said Receipt of the Exchequer, or into the Bank of *England*, according to the Tenor and true Meaning hereof, that then and in any such Case the Money whereof such Failure in Payment shall be made, shall and may be recovered from the said United Company and their Successors, to his Majesty's Use, by Action of Debt, or upon the Case, Bill, Suit, or Information, in any of his Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, or Wager of Law, shall be allowed, or any more than one Imparlance; in which Action, Bill, Suit, or Information, it shall be lawful to declare that the United Company of Merchants of *England* trading to the *East-Indies* are indebted to his Majesty in the Monies of which they shall have made Default in Payment, according to the Form of this Act, and have not paid the same, which Declaration shall be sufficient; and in or upon such Action, Bill, Plaint, or Information, there shall be further recovered for his Majesty's Use, against the said Company and their Successors, Damages, after the Rate of fifteen Pounds *per Centum per Annum*, for the respective Monies so unpaid contrary to this Act, together with full Costs of Suit; and the said United Company and their Successors, and all their Stock and Funds, and all other their real and personal Property and Estate, Lands and Tenements, whatever and wherever, shall be and are hereby made subject and liable to the Payment of the said Monies and Damages, with the full Costs of Suit.

Certificates of Monies paid into the Exchequer and Bank to be given the Company.

CXX. And be it further enacted, That the said United Company and their Successors shall, upon Payment of the several Sums by this Act directed to be made into the Receipt of his Majesty's Exchequer, and into the Bank of *England* respectively, be fully exonerated, acquitted, and discharged, as against his Majesty, his Heirs and Successors, from all Writs, Actions, Suits, Damages, and Proceedings, for or on Account of the respective Sums which shall be so paid by the said Company; and in Order that no Difficulty or Dispute may arise in Respect thereof, a Certificate shall be made, without Fee or Reward, for the ascertaining the Amount of every distinct Sum by the said Company paid into the Receipt of the Exchequer and into the Bank of *England* respectively, by Virtue of this Act, at the Time of the Payment thereof, specifying the Amount of the Sum or Sums so paid, and the Day of Payment of the same; which Certificate, in Respect of Monies paid into the Receipt of the Exchequer, shall be signed by the Auditor of the Receipt of the Exchequer, the Clerk of the Pells, and one of the Tellers, or in their Absence by their respective Deputies attending at the said Receipt; and for Monies paid into the Bank of *England*,

England, such Certificate shall be signed by one of the chief Cashiers of the said Bank of *England* severally and respectively, at the Time of Payment of such Money; and the several Certificates so signed shall be delivered to the said Company, or their chief Treasurer or Cashier, and shall be good and sufficient Evidence in Law as against his Majesty, his Heirs and Successors, for the Payment of the Sum or Sums therein expressed and specified.

On Representation from the Directors of Inconvenience, the Treasury may postpone Payment of Monies into the Exchequer or Bank.

CXXI. Provided always, and be it further enacted, That if the making Payment of any Sum or Sums into the Receipt of the Exchequer, or into the Bank of *England*, respectively, at or within the Time or Times appointed by this Act for that Purpose, will be attended with material Inconvenience or Embarrassment to the Affairs of the said Company, then and in every such Case the Court of Directors of the said Company shall and are hereby required to represent the same, and the Circumstances thereof, to the High Treasurer or Commissioners of the Treasury for the Time being, who shall forthwith examine into and consider of such Representation; and thereupon it shall and may be lawful for the said High Treasurer or Commissioners of the Treasury, if he or they shall see Cause, to postpone or suspend the Payment of the Sum or Sums so accruing or accrued due as aforesaid, for such reasonable Time, and upon such Terms and Conditions, as to him or them shall appear reasonable and expedient, and that the Payment of the said Sum or Sums shall accordingly be postponed or suspended, and no Penalty or Damages shall be incurred or incurrable in the mean Time by Reason of the Non-payment thereof; any Thing herein contained to the contrary notwithstanding: Provided always, That there be laid before both Houses of Parliament, within fourteen Days after the making such Order, if Parliament shall be then sitting, or otherwise within the first fourteen sitting Days of the then next Session of Parliament, a Copy of the said Order, and of the Representation of the said Court of Directors, whereon the same shall have been granted.

If by War the Proceeds shall fall short of paying 500,cool. per Annum to the Public, the Deficiency shall not be made good so as to impede the Accumulation of the Guarantee Fund, &c.

CXXII. Provided also, and be it further enacted, That if it shall happen that, by any extraordinary Expenses incurred in Time of War, or Preparations for War, or from Circumstances incidental to War, the aforesaid net Proceeds shall fall short (after Payment or Provision made for the said Dividend of ten Pounds *per Centum*, and the said five hundred thousand Pounds *per Annum* for the Reduction of the said Debt in *India*) of making Payment to the Exchequer of the said five hundred thousand Pounds *per Annum* for the Use of the Public, then, and so often as the same shall happen, the Deficiency or Deficiencies in the said last-mentioned Payments shall not be made good out of the Surplus of any future Year or Years, to impede the Accumulation of the said Guarantee Fund, not exceeding twelve millions of Pounds payable into the Exchequer, but that the Amount of all Deficiencies so happening and occasioned shall be deemed as a Debt, to be made good to the Public upon the Determination of the exclusive Trade of the said Company, in the Event only of their general Assets, consisting of Monies in their Treasuries, Securities for Money, Ships, Goods, Wares, and Merchandize, and other their Live and Dead Stock, producing or amounting in Value to more than sufficient for the Payment of all the just Debts of the said Company, and of making good to the said Company the Value of their Capital Stock, rated at two hundred Pounds for every one hundred Pounds of such Stock; but that after Payment or Provision made for the said Debts and Capital Stock as aforesaid, the Surplus or Excess of the said general Assets shall be applied in the making good the Amount of the said Deficiencies as far as the same will extend, in Preference to any other Application thereof; any Thing herein contained to the contrary notwithstanding.

Act not to affect the Rights of the Company or the Public respecting the territorial Acquisitions and Revenues beyond the further Term granted.

CXXIII. Provided also, and be it further enacted, That the Appropriation made by this Act of the clear Profits of the said territorial Acquisitions and Revenues in *India*, shall not extend, or be construed to extend, to prejudice or affect the Rights of the Public, or of the said United Company, respecting the said territorial Acquisitions and Revenues, beyond the further Term by this Act granted to the said United Company, under the Limitations thereof, in the sole and exclusive Trade to the *East-Indies*, and Parts aforesaid.

Application of the Company's separate Fund.

CXXIV. And whereas, by an Account heretofore made up by the said Company, of the Profits of their Trade and Revenues, to the first Day of *March* one thousand seven hundred and eighty-one, there remained, after Payment of a Sum of four hundred thousand Pounds to the Public, in Pursuance of an Agreement for that Purpose, the principal Sum of two hundred and eighty-eight thousand and twenty-five Pounds seventeen Shillings and ten Pence, which said Sum the said Company were, by a Clause contained in the said in Part recited Act of the twenty-first Year of his Majesty's Reign, authorized to apply in the Payment of Dividends to the Proprietors of the Capital Stock of the said Company, in the Mode specified in the said Act: And whereas the said Company have not as yet made any Dividend of the said principal Sum, but have kept

the same, or the greater Part thereof, employed in their trading Capital, suffering the Interest to accumulate thereon, the said Principal and Interest forming a distinct Article in the annual Cash Accounts of the said Company, under the Head of *The Company's Separate Fund*, and amounting, on the first Day of *March*, one thousand seven hundred and ninety-three, to the Sum of four hundred sixty-seven thousand eight hundred and ninety-six Pounds seven Shillings and four Pence, over and above nine thousand seven hundred and fifty Pounds Capital Stock of the said Company, also Part of the said separate Fund: And whereas, under the present Circumstances of the said Company, their true and permanent Interests will be better secured and advanced by limiting the Distribution of the said separate Fund, in the Manner herein-after specified, than by suddenly calling the Whole, or any large Proportion thereof, from their said trading Capital: Be it enacted, That the said separate Fund, or the Monies constituting the same, shall continue in the Hands of the said Company bearing Interest, and be employed in their Trade, subject to the Payment of such Dividends as are herein-after specified; and that the said separate Fund, with the growing Interest thereof, shall and may be divided and distributed in the Manner herein-after mentioned, and in no other Manner whatever; any former Act or Acts to the contrary notwithstanding: (that is to say), That after Payment shall be made by the said Company into his Majesty's Exchequer of the two first Instalments of two hundred and fifty thousand Pounds each, which by Force and Virtue of this Act will become due from the said Company to the Public, on the first Day of *July*, one thousand seven hundred and ninety-three, and the first Day of *January*, one thousand seven hundred and ninety-four, respectively, or otherwise after setting apart a sufficient Sum for such Payments, it shall and may be lawful for the said Company, out of the said separate Fund, and the Interest or growing Income thereof, to make and declare a Dividend or Dividends after the Rate of ten Shillings *per Centum per Annum*, on the present or any future Amount of their Capital Stock, which said Dividend or Dividends shall and may be paid and payable to the said Company, over and above any other Dividend or Dividends which shall become due in Respect thereof; and that after the Expiration of the further Term hereby granted in the said exclusive Trade, it shall and may be lawful for the said Company to retain and dispose of what shall then remain of the said separate Fund, or of the Monies constituting the same, and the Interest or other annual Proceeds thereof, in such Manner as they shall then think fit.

No Grant of new Salaries, &c. above 200*l.* to be good unless confirmed by the Board.

CXXV. And whereas, for protecting the Funds of the said Company during their further Term in the said exclusive Trade from being burthened with any improper Charges, it is expedient that the said Company should be put under reasonable Limitations in Respect to the granting of Pensions or increasing the Salaries of their Officers and Servants, or creating new Establishments; be it further enacted, That no Grant or Resolution of the said Company, or their Court of Directors, to be made after the passing of this Act, and during the Continuance of their Right in the said exclusive Trade, whereby the said Funds may become chargeable with any new Salary or Increase of Salary, or any new or additional Establishment of Officers or Servants, or any new Pension, or Increase of Pension, to any one Person, exceeding two hundred Pounds *per Annum*, shall be available in Law, unless such Grant or Resolution shall be approved and confirmed by the Board of Commissioners for the Affairs of *India*, attested under the Hand of the President of the said Board.

Directors to lay before Parliament yearly certain Accounts.

CXXVI. And be it further enacted, That the Court of Directors of the said Company shall, within the first fourteen sitting Days next after the thirtieth Day of *March* in every Year, lay before both Houses of Parliament an Account, made up according to the latest Advices which shall have been received, and with as much Accuracy as the Nature of the Case will admit, of the annual Produce of the Revenues of the *British* Territories in *India*, distinguishing the same under the respective Heads thereof at each of their several Presidencies or Settlements, with the Amount of their Sales of Goods and Stores within the Limits of their exclusive Trade, and of all their annual Disbursements within the said Limits, distinguishing the same under the respective Heads thereof, together with the latest Estimate of the same; and also the Amount of their Debts abroad, with the Rates of Interest they respectively carry; and the annual Amount of such Interest; the State of their Effects at each Presidency or Settlement, and in *China*, consisting of Cash and Bills in their Treasuries, Goods and Stores, and Debts owing to the said Company, according to the latest Advices which shall have been received thereof; and also a List of their several Establishments in *India*, and other Parts within the Limits of their exclusive Trade, and the Salaries and Allowances payable by the said Company in Respect thereof: And also another annual Account, made up to the first Day of *March* next preceding the Delivery thereof to Parliament, containing the Amount of the Proceeds of the Sale of the Goods and Merchandizes of the said Company in *Great-Britain*, and of their commercial and other Receipts, Charges, and Payments

ments in *Great-Britain*, under the several Heads thereof, together with an Estimate of the same for the current Year, and a Statement of their Bond Debts and simple Contract Debts, with the Rates of Interest they respectively carry, and the Amount of such Interest, and the State of the Cash remaining in their Treasury, and other Effects appertaining to the Company in *Great-Britain*, or afloat; and if any new or increased Salaries, Establishments, or Pensions, payable in *Great-Britain*, shall have been granted or created within the preceding Year, the Particulars thereof shall be specially stated and inserted at the Foot of such Account.

Recital of Acts relating to his Majesty's Troops in the East-Indies.

CXXVII. And whereas, by the said recited Act of the twenty-first Year of his Majesty, it was among other Things provided, that for every Regiment, belonging to his Majesty, then serving in the *East-Indies*, for the Defence of the territorial Possessions there, or any other Regiment which should be sent for that Purpose at the Requisition of the said Company, there should be paid to his Majesty, his Heirs or Successors, the Sum of two Lacks of current Rupees *per Annum* for every Regiment of one thousand Men, and in Proportion for a greater or smaller Number: And whereas, by Virtue of certain other Acts of the twenty-eighth and thirty-first Years of his Majesty, all Expenses incurred by his Majesty in the raising, embodying, and conveying to *India* certain Troops serving there, should be repaid by the said Company: And whereas, under the Provisions of the said Acts, as likewise on the Account of the Navy and Victualling Expenses or otherwise, several Sums became due and owing to his Majesty, towards which the said Company have paid to the Amount of five hundred thousand Pounds, and a considerable Sum still remains due to his Majesty on that Account: And whereas, in consequence of an Expedition against the *Manillas*, in or about the Year one thousand seven hundred and sixty-two, and in consequence of supporting a Number of Prisoners, during the War of that Period, and supplying Hospitals for his Majesty's Troops in *India*, and for the Customs on certain Teas returned by the Buyers in or about the Year one thousand seven hundred and eighty-four, the said Company have claimed several Sums of Money to be due and owing to them by his Majesty, amounting together to four hundred and forty-three thousand six hundred and thirty-two Pounds: And whereas, for the final settling and adjusting of the said several Accounts, it hath been agreed, that the Sums remaining due from the said Company, as well on Account of the said Navy and Victualling Expenses or other Charges, as also on Account of the said Troops, to be computed to the twenty-fourth Day of *December*, one thousand seven hundred and ninety-two, shall be set against the said Sum of four hundred and forty-three thousand six hundred and thirty-two Pounds, so claimed by them as aforesaid; and that his Majesty and the said Company shall be reciprocally acquitted and discharged of and from the aforesaid Claims and Sums respectively: Be it therefore further enacted and declared, That the said Company shall, and they are hereby acquitted, exonerated, and absolutely discharged from all Sums of Money due and owing by them for and on Account of any Navy or Victualling Expenses, or of his Majesty's Troops serving in *India*, computed to the said twenty-fourth Day of *December*, one thousand seven hundred and ninety-two, and from all Claims and Demands of the Crown or the Public in Respect thereof, or on any other Account whatever to that Period, and that all Accounts between the Paymaster-General of his Majesty's Forces and the said Company, and between the Commissioners of the Navy or Commissioners for victualling and the said Company respectively, shall be held to have been closed on the said twenty-fourth Day of *December*, one thousand seven hundred and ninety-two, and that his Majesty, his Heirs or Successors, shall be acquitted, released, and discharged of and from the several Claims and Demands of the said Company, in Respect of the said Sum of four hundred and forty-three thousand six hundred and thirty-two Pounds.

Claim of the Company on the Public.

Claim of his Majesty, under recited Acts, for Expenses of Troops to 24 December, 1792, and Claim of the Company on the Public, discharged.

From Dec. 24, 1792, Expenses of such Troops to be repaid by the Company,

CXXVIII. And be it further enacted, That from the said twenty-fourth Day of *December*, one thousand seven hundred and ninety-two, all Sums issued by the said Paymaster-General of his Majesty's Forces, for and on Account of his Majesty's Forces serving in *India*, or for raising and supplying Recruits for the same, shall be repaid by the said Company; and that the actual Expenses only which since the said twenty-fourth Day of *December*, one thousand seven hundred and ninety-two, have been, or which hereafter shall be incurred for the Support and Maintenance of the said Troops, shall be borne and defrayed by the said Company; any Clause or Provision contained in the said recited Act of the twenty-first Year of his Majesty, or any other Act or Acts, to the contrary notwithstanding.

CXXIX. And whereas various Statutes have been heretofore made for securing to the said United Company their sole and exclusive Right of trading to the *East-Indies*, and Parts aforesaid, during the Continuance of such sole and exclusive Right, and to restrain all illicit and clandestine

clandestine Trade to, in, and from the *East-Indies*, and Parts aforesaid: And whereas the Limitations and Provisions in this Act contained, concerning the future Conduct of the said Trade, require that some Alterations should be made in the said Statutes; and it may be convenient that such Provisions as shall be deemed necessary for securing to the said Company the full Benefit of such sole and exclusive Right (subject to the Provisions and Limitations contained in this Act) and for restraining all clandestine and illicit Trade in, to, and from the *East-Indies*, and Parts aforesaid, should be reduced into one Act of Parliament: Be it further enacted, That

Ships, &c. of unlicensed Persons trading within the Limits of the East-India Company, forfeited, &c.

if any of the Subjects of his Majesty, his Heirs or Successors, of or belonging to *Great-Britain*, or the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, or *Faro Isles*, or to any of his Majesty's Colonies, Islands, or Plantations in *America* or the *West-Indies*, other than such as by the said United Company shall be licensed, or otherwise thereunto lawfully authorized, shall at any Time or Times, before such Determination of the said Company's whole and sole Trade as is herein-before limited, directly or indirectly sail to, visit, haunt, frequent, trade, traffic, or adventure to, in, or from the said *East-Indies*, or other Parts herein-before mentioned, contrary to the Limitations and Provisions of this Act, or the true Intent and Meaning thereof, all and every such Offender or Offenders shall incur the Forfeiture and Loss of all the Ships and Vessels belonging to or employed by such Subjects respectively, with the Guns, Tackle, Apparel, and Furniture thereunto belonging, and also all the Goods and Merchandize laden thereupon, or which were or shall be sent, acquired, traded, trafficked, or adventured within the said *East-Indies*, or Parts aforesaid, and all the Proceeds and Effects of such Goods and Merchandize, and double the Value thereof, (to wit) one-fourth Part of such Forfeiture to such Person or Persons who shall seize, inform, or sue for the same, and the other three-fourth Parts thereof to the Use of the said United Company, they defraying thereout the Charges of Prosecution.

Persons going to the said Parts contrary to this Act, to be deemed to have traded unlawfully.

CXXX. And be it further enacted, That all and every Subject and Subjects of his Majesty, his Heirs or Successors, of or belonging to *Great-Britain*, or the Islands, Colonies, or Plantations aforesaid, or any of them, who shall at any Time or Times, before such Determination of the said United Company's whole and sole Trade as is herein-before limited, go, sail, or repair to the said *East-Indies*, or Parts aforesaid, against any of the Provisions of this Act, shall be deemed and accounted to have unlawfully traded and trafficked there, and all the Ships, Goods, and Merchandize which shall be employed therein, or found in his or their Custody, or in the Custody of any other Person or Persons by his or their Employment, Order, or Procurement, shall and may be seized, and shall be forfeited, with double the Value thereof, one-fourth of which Forfeiture shall belong to the Person or Persons who shall seize, inform, or sue for the same, and three-fourths thereof shall be to the Use of the said United Company, they thereout defraying the Charges of Prosecution.

Any unlicensed Persons going to those Parts, or found therein, liable to Fine and Imprisonment.

CXXXI. And be it further enacted, That if any Subject or Subjects of his Majesty, his Heirs or Successors, of or belonging to *Great-Britain*, or any of the Islands, Colonies, or Plantations aforesaid, not being lawfully licensed or authorized, shall at any Time or Times before such Determination of the said Company's whole and sole Trade, as is herein-before limited, directly or indirectly go, sail, or repair to, or be found in the *East-Indies*, or any of the Parts aforesaid, all and every such Person and Persons are hereby declared to be guilty of a high Crime and Misdemeanor, and being convicted thereof shall be liable to such Fine or Imprisonment, or both Fine and Imprisonment, as the Court in which such Person or Persons shall be convicted shall think fit; and in Case of a Fine, one Moiety thereof shall belong to his Majesty, his Heirs or Successors, and the other Moiety thereof to the said United Company, if they shall prosecute the said Offence, or otherwise such Moiety shall be to the Use of such Person or Persons as shall prosecute the same.

Such Persons may be arrested and sent to England for Trial, and may be committed.

CXXXII. And be it further enacted, That at any Time or Times, before such Determination of the said Company's whole and sole Trade as is herein-before limited, it shall and may be lawful to and for the said Company and their Successors, by and through such Person or Persons as is and are hereafter mentioned, to take, arrest, and seize, or cause to be taken, arrested, and seized, at any Place or Places within the *East-Indies*, or Parts aforesaid, all and every Person and Persons, being a Subject or Subjects of his Majesty, his Heirs or Successors, of or belonging to *Great-Britain*, or to any of the Islands, Colonies, or Plantations aforesaid, who shall go, sail, or repair to, or be or be found within the said *East-Indies* or Parts aforesaid, against any of the Provisions of this Act, and him or them to remit and send or bring to *England*, there to answer for his, her, or their Offence according to due Course of Law; and when such

such Person or Persons shall arrive in *England*, it shall and may be lawful to and for any one or more of his Majesty's Justices of the Peace, and he and they are hereby authorized and required to commit all and every such Person or Persons to the next County Gaol, there to remain until sufficient Security be given, by natural-born Subjects or Denizens, for the Appearance of such Person or Persons in the Court in which he or they shall or may be sued or prosecuted, or shall be under actual Prosecution in Respect of such his or their Offence, and for his or their not going out of Court, or out of the Kingdom, without the Leave of such Court.

By whom such Persons may be arrested, and forfeited Vessels, &c. seized.

CXXXIII. And be it further enacted, That the Powers and Authorities hereby given to the said Company, of taking, arresting, seizing, remitting, or sending to *England*, any such Person or Persons as aforesaid, together with the Power of seizing any Ships, Vessels, Goods, Merchandize, and Effects by this Act made liable to Seizure or Forfeiture, shall and may be enforced and put in Execution in the Name of the said Company, by the Order and Authority of the Governor-General of *Fort William* in *Bengal*, or the Governor of *Fort Saint George*, and Governor of *Bombay* for the Time being respectively, or by any chief Officer of the said Company, resident at any other of the *British* Settlements in the *East-Indies* respectively, or by the Order and Authority of the said Company's Council of Supra Cargoes for the Time being, at the Town or Factory of *Canton*, within the said Town or Factory, and upon the River of *Canton*, or other Part of the Coasts of *China*, and by such other Persons as shall be from Time to Time especially deputed and authorized for that Purpose by the Court of Directors of the said United Company for the Time being.

Persons dismissed, &c. who shall be found within the Limits, aforesaid, after the Time allowed, to be deemed to have unlawfully traded.

CXXXIV. And be it further enacted, That during such Time as the said Company shall have such whole and sole Trade as aforesaid, if any Person or Persons who shall have been dismissed from, or shall have voluntarily resigned the Service of the said Company, or any free Merchant, free Mariner, or other Person whose Covenants or Agreements with the said Company shall be expired or have ceased, or whose License to go to, or traffic, trade, or reside within the said *East-Indies*, or Parts aforesaid, shall have ceased and determined, shall be or be found in the *East-Indies*, or Parts and Limits aforesaid, after the Expiration of such Time as shall be allowed by the respective Governments or Presidencies in *India*, wherein such Person or Persons shall be or be found, every such Person and Persons shall be deemed and taken, to all Intents and Purposes whatever, to have unlawfully traded in the said Parts and Limits contrary to this Act, and shall be subject to all the Penalties, Forfeitures, and Provisions of this Act, against Persons unlawfully going to, or trafficking, trading, or adventuring, or found in any Place within the said Parts and Limits accordingly.

All Goods, &c. (except as herein excepted) shipped from Great-Britain to the East-Indies, or taken out of any Ship homeward to be forfeited, and the Officers privy thereto liable to Penalty, &c.

CXXXV. And be it further enacted, That as well all and every the Goods, Merchandize, Treasure, and Effects, which shall at any Time or Times, before such Determination of the said Company's whole and sole Trade as aforesaid, be shipped or put on Board any Ship or Ships, or Vessel or Vessels, bound from *Great-Britain* to the *East-Indies*, or the Parts aforesaid (other than and except the Goods, Merchandize, Treasure, and Effects of the said Company, or of other Persons lawfully shipping the same, under the Limitations and Provisions of this Act, and according to the true Intent and Meaning of the same, and except the naval Stores, Provisions, and Necessaries for such Ship or Ships to perform their Voyage), as also all and every the Goods, Merchandize, Treasure and Effects, which shall from and after the Time aforesaid be taken out of any such Ship or Vessel in her Voyage homeward from the *East-Indies*, or Parts aforesaid, to *England*, before her Arrival there, the same and every of them shall be forfeited, together with double the Value thereof, and shall and may be seized; and the Master or Commander, or other Officers of such Ship or Ships, or Vessel or Vessels, for the Time being, knowingly permitting or suffering any such Goods, Merchandize, Treasure, or Effects, to be shipped or put on Board any such Ship or Ships so bound to the *East-Indies*, or to be taken out of any such Ship or Ships bound from the *East-Indies*, or Parts aforesaid, to *England*, shall forfeit, for every such Offence, the Sum of one thousand Pounds, and moreover shall not be entitled to have, demand, or receive any Wages whatsoever, nor shall the said Company be obliged, or compelled or compellable to pay any Wages to, or to the Use or upon the Account of any such Master, Commander, or Officer, for or in Respect of the Voyage so made or to be made by such Master, Commander, or Officer; but if such Ship shall have been taken up by the said Company by Charter-Party or Hire, then the said Company shall have an Allowance or Deduction, in Respect of the said Wages, to the full Amount thereof, out of the Monies payable by them to the Owner or Owners of the Ship to which such Master or Officer shall belong, for the Hire or Freight thereof; and every such Master or Officer, who shall be convicted

convicted of such Offence, shall be rendered incapable of again acting in the Service of the said Company in any Capacity whatever.

Penalty on Persons trading to the East-Indies under Authority from foreign Princes.

CXXXVI. And be it further enacted, That no Person being a Subject of his Majesty, his Heirs or Successors, of or belonging to *Great-Britain*, or any of the Islands, Colonies, or Plantations aforesaid, shall procure, solicit for, obtain, or act under any Commission, Authority, or Pass, from any foreign Prince, State, or Potentate whatsoever, to sail, go, or trade in or to the said *East-Indies*, or any of the Parts aforesaid, and every such Person who shall offend therein shall incur and forfeit for every Offence five hundred Pounds, one half part of which Penalty shall belong to such Person or Persons as shall inform or sue for the same, and the other Half to the said United Company, and if the said United Company shall inform or sue for the same, then the Whole of the said Penalty shall belong to the said Company.

No Governor-General, &c. to trade, except on Account of the Company.

CXXXVII. And be it further enacted, That it shall not be lawful for any Governor-General, or Governor, or any Member of Council of the said Presidencies in *India*, to be concerned in any Trade or Traffic whatever, except on Account of the said Company, nor for any Collector, Supervisor, or other Person employed or concerned in the Collection of the Revenues, or the Administration of Justice, in the Provinces of *Bengal*, *Bahar*, and *Orissa*, or either of them, or their Agents or Servants, or any Person or Persons in Trust for them or any of them, to carry on or be concerned in or to have any Dealings or Transactions, by Way of Traffic or Trade, at any Place within any of the Provinces in *India*, or other Parts, or to buy any Goods, and sell the same again, or any Part thereof, at the Place where he or they bought the same, or at any other Place within the same Province, or any other such Province or Country respectively, except on Account of the said Company; nor shall it be lawful for any of the Judges of the Supreme Court of Judicature to be concerned in any Trade or Traffic whatever; nor shall it be lawful for any of his Majesty's Subjects in the said Provinces to engage, intermeddle, or be in anywise concerned, directly or indirectly, in the inland Trade in Salt, Beetle Nut, Tobacco, or Rice, except on the Account of the said Company, or with their Permission, on Pain of forfeiting all such Goods or Commodities which they, or any of them, shall so buy and sell again, by Way of Traffic, or in which any of them shall so Trade, and also Treble the Value thereof, one Moiety to the said United Company, and the other Moiety to him or them who will sue for the same.

No Judge to be concerned in any Trade.

No Person whatever to be concerned in the inland Trade in Salt, &c. except with the Company's Permission.

No Person to send the Produce or Manufacture of the East-Indies or China to Europe, but according to this Act, on Penalty of double the Value;

CXXXVIII. And be it further enacted, That before such Determination of the said United Company's sole and whole Trade as is herein-before limited, it shall not be lawful for any Subject of his Majesty, his Heirs or Successors, of or belonging to *Great-Britain*, or any of the Islands, Colonies, or Plantations aforesaid, either in his own Name or in the Name of any other Person or Persons whatever, to carry on or be concerned, at his or their own Risque, or for his or their own Benefit, in the sending any Kind of Goods and Merchandizes, the Produce or Manufacture of the *East-Indies* or *China*, by the Way of *Suez*, or by any other Channel to *Europe*, otherwise than as is allowed or provided by this Act; and if any such Subject shall carry on or be concerned in any such Trade or Traffic on his own Account, contrary hereto, he shall forfeit and pay to the said United Company double the Value of the Goods and Merchandizes which shall by him or them be so unlawfully sent to *Europe*.

but not to extend to the trading and selling Goods to the Subjects of foreign States, &c.

CXXXIX. Provided always, and be it enacted, That the said last-mentioned Restriction shall not extend, or be construed to extend, to preclude any of the Servants of the said United Company (other than such of them as shall or may be specially prohibited by any Law or Statute, or by any Order of the said Company, or their Governments abroad, and other than and in Respect of the inland Trade in Salt, Beetle Nut, Tobacco, and Rice), or any free Merchants licensed by the said Company to reside in *India*, or other Parts within their said Limits, from buying any Goods in *India*, and selling the same again in *India* to the Subjects of any foreign Nation or State, or from acting as Agents or Factors in the importing or exporting, buying or selling Goods in *India*, for or on the Account *bonâ Fide* of any foreign Company or any foreign Merchant; any Thing in this Act contained to the contrary notwithstanding.

How Offences against this Act may be prosecuted, &c.

CXL. And be it further enacted, That all Penalties, Forfeitures, Seizures, Causes of Seizure, Crimes, Misdemeanors, and other Offences, which shall arise, or be incurred or made under or shall be committed against this Act, shall be sued for, prosecuted, examined, recovered, and adjudged in any of his Majesty's Courts of Record at *Westminster*, or in the Supreme Court of Judicature at *Fort William* in *Bengal*, or in one of the Mayor's Courts at *Madras* or *Bombay* respectively, in Manner following; (that is to say) all such pecuniary Penalties, and all Forfeitures

feitures of Ships, Vessels, Merchandize, and Goods, shall and may be sued for, condemned, and recovered by Action, Bill, Suit, or Information, wherein no Essoin, Protection, Wager of Law, or more than one Imparlance, shall be granted or allowed; and all such Seizures, whether of any Person, or of any Ships, Vessels, Merchandizes, and Goods, and all Causes of such Seizure, shall be cognizable in such Actions, Suits, or Prosecutions, as shall bring into Question or relate to the Lawfulness or Regularity of any such Seizure; and all such Offences as by this Act are not made punishable by pecuniary Penalties, or by any Forfeitures of Goods, but by Fine or Imprisonment, or both, or are hereby created, without providing any particular Punishment, shall be prosecuted by Indictment or Information as Misdemeanors, for Breach thereof, and shall be punished by Fine or Imprisonment, or both, at the Discretion of the Court in which such Prosecution shall by Virtue of this Act be begun and carried on; and if such Prosecution for a Misdemeanor shall be in any of the said Courts in the *East-Indies*, and the Person or Persons prosecuted shall be there convicted, it shall be lawful for such Court to order, as Part or for the Whole of the Punishment, any such Person or Persons to be sent and conveyed to *Great-Britain*.

How Actions shall be laid.

CXLI. And be it further enacted, That whenever any Action, Bill, Suit, Information, or Indictment shall be brought or prosecuted in any of his Majesty's Courts of Record at *Westminster*, for any Offence against this Act, whether for a Penalty, Forfeiture, or Misdemeanor, the Offence shall be laid or alledged to have been committed in the City of *London* or County of *Middlesex*, at the Option of the Informer or Prosecutor; and all Actions, Bills, Suits, Informations, and Indictments for any Offence or Offences against this Act, whether filed, brought, commenced, or prosecuted for a Penalty or Forfeiture, or for a Misdemeanor, in any of his Majesty's Courts of Record at *Westminster*, or in the said Supreme Court, or any such Mayor's Court as aforesaid, shall be brought and prosecuted within six Years next after the Offence shall be committed, and a *Capias* shall issue in the first Process, and in the Case of an Offence hereby made punishable by any Penalty or Forfeiture, such *Capias* shall specify the Sum of the Penalty or Forfeiture sued for, and the Person or Persons sued or prosecuted for such Penalty shall, on such *Capias*, give to the Person or Persons to whom such *Capias* shall be directed, sufficient Bail or Security, by natural-born Subjects or Denizens, for appearing in the Court out of which such *Capias* shall issue, at the Day or Return of such Writ, to answer such Suit or Prosecution, and shall likewise, at the Time of such Appearance, give sufficient Bail or Security, by such Persons as aforesaid, in the same Court, to answer and pay all the Forfeitures and Penalties sued for, if he, she, or they shall be convicted of such Offence or Offences, or to yield his, her, or their Body or Bodies to Prison; but if the Prosecution shall be for any Offence or Offences against this Act, punishable only as a Misdemeanor, then the Person or Persons against whom such *Capias* shall issue, being thereupon arrested, shall be imprisoned and bailable according to Law, as in other Cases of Misdemeanor.

Limitation of Actions; and Process.

The Attorney-General may exhibit Bills of Complaint for Discovery of clandestine trading, &c.

CXLII. And, for more effectually preventing all such illegal or clandestine trading or trafficking as is hereby made punishable by the Forfeiture of Goods or Merchandizes; and in Respect of the Difficulty there may be of ascertaining what Goods and Merchandizes have been so illegally or clandestinely trafficked with, and the Value thereof; and for securing to the Crown the Duties on the Goods so illegally trafficked with, and to the said United Company a Reparation by Way of Damages, for such illegal or clandestine trading; be it further enacted, That it shall be lawful for his Majesty's Attorney-General for the Time being, either at the Relation of the said United Company, or by his own Authority, to exhibit a Bill or Bills of Complaint in his Majesty's Court of Exchequer, against any Person or Persons trading, dealing, trafficking, or adventuring in, to, or from the *East-Indies*, in Breach of this Act, or against any Person or Persons concerned as Agent, Factor, or Copartner, with such illegal Traders, for Discovery of such trading, dealing, trafficking, or adventuring, and for Recovery of such Duties to the Crown, and such Damages to the said United Company, as herein-after are mentioned, so that every such Bill contain a Waiver or Disclaimer of all the Penalties and Forfeitures incurred by any such Person or Persons, for the Matters contained in such Bill; and such Person and Persons shall answer the said Bill or Bills, and shall not plead or demur to the Discovery thereby sought, and shall pay to his Majesty the Customs and Duties of the Goods and Merchandize arising, produced, or purchased, by the said unlawful Trade, Traffick, or Adventuring, and shall also, as a Reparation to the said Company in Damages, answer and pay to the said Company, for the same Goods and Merchandize, after the Rate of thirty Pounds *per Centum*, according to the Value thereof in *England*; and if such Offender or Offenders shall pay the said Duties and Customs, or the Amount thereof, into his Majesty's Exchequer for the Use of his Majesty,

Clandestine Traders, besides the Duties, to pay Damages to the Company.

Payment of Costs.

Majesty, and the said Damages to the said Company, he or they shall not be prosecuted upon any other Branch or Provision of this Act, for the same Offence; and if such Bill or Bills shall be exhibited at the Relation of the said Company, and shall be dismissed by the said Court of Exchequer, in Favour of any Defendant or Defendants, the said Company shall pay to all and every such Defendant and Defendants his and their Costs of Suit; but if a Decree shall be obtained against the Defendant or Defendants, he or they shall pay Costs to his Majesty and the Rectors respectively.

If the Directors elect Bills of Complaint, Informers of Offences to have a Third of the single Value of the Concern, &c.

CXLIII. Provided always, and be it further enacted, That if before any Suit or Prosecution shall be commenced for the Recovery of any Penalty or Penalties, or Forfeiture or Forfeitures, under this Act, by his Majesty's Attorney-General, or the said United Company, any common Informer or Informers shall go to the Court of Directors of the said United Company, and make known to them the Offence committed, and instead thereof the said Court of Directors shall elect to have the Suit or Prosecution brought or commenced by Bill or Bills of Complaint, to be filed or exhibited in his Majesty's Court of Chancery or of Exchequer at *Westminster*, then and in every such Case there shall be yielded and paid to such common Informer or Informers one-third Part of the single Value of the said Interest and Concern when recovered; but if the said Court of Directors shall elect to have the Suit or Prosecution commenced for the Penalties or Forfeitures by Information or Action at Law, then the said Informer or Informers shall and may accordingly sue for the same at Law, and the said Information or Action shall be proceeded upon, and shall not be discontinued or determined except with the Consent of the said United Company, or their Court of Directors.

If the Company first inform, the Proportion of the Penalties to devolve on the Company, though not sued for in the limited Time.

CXLIV. And be it further enacted, That if the said United Company shall first inform, sue, and prosecute for any Penalty or Forfeiture for any of the Offences against this Act, then the Part, Share, and Proportion of the Penalties and Forfeitures, otherwise given or appointed by this Act to any other Person or Persons who shall sue or inform for the same, shall devolve upon and be to the Use of the said United Company, although such Information, Suit, or Prosecution be commenced by the said United Company after Lapse of the Time limited by Law for the Suit, Prosecution, or Information of the common Informer.

If Actions be brought for unlawful arresting of Persons found in the East-Indies, &c. the Defendants may plead the general Issue.

Proof to lie on the Plaintiff.

CXLV. And be it further enacted, That if, before such Determination of the said United Company's whole and sole Trade, as is herein-before limited, any Suit or Action shall be brought or commenced against the said United Company, or any of their Servants, or any Persons acting by their Authority, for the Recovery of any Costs or Damages for the unlawful taking, arresting, seizing, imprisoning, sending, or bringing to *England*, of any Person or Persons found in the *East-Indies*, or other Parts aforesaid, within the Limits of the said United Company's exclusive Trade, or as not being authorized to reside or traffic there, the Defendant or Defendants to such Suit or Action may plead the general Issue, and give the special Matter in Evidence for his or their Defence, and the Proof shall lie on the Plaintiff or Plaintiffs, upon the Trial of the Issue, to shew that at the Time or Times of arresting or seizing such Person or Persons respectively for the Causes aforesaid, in the Manner in which such arresting or seizing shall be laid or charged to have been done, in or by the Declaration or Declarations in such Suits or Actions, the Person or Persons so arrested was or were in the Military or Marine Service of his Majesty, his Heirs or Successors, or was or were under Covenant to serve the said Company in *India*, or was or were duly possessed of a License or Licenses in Writing, authorizing him or them to go to or reside and traffic in *India*, or other the Parts aforesaid, or that the Person or Persons, not being in his Majesty's Service, was or were, at the Time or Times of his or their being so seized or arrested, entitled or authorized, by the Stipulation of such Covenants or Licenses respectively, to remain and continue in *India*, or other the Parts aforesaid, and in Failure of such Proof the Plaintiff or Plaintiffs shall become nonsuited; and in such Case, or in any other Case wherein the Plaintiff or Plaintiffs shall become nonsuited, or wherein Judgment shall be given against such Plaintiff or Plaintiffs upon Demurrer, or where a Verdict shall pass for the Defendant or Defendants, he or they shall have treble Costs awarded to be paid by the respective Plaintiff or Plaintiffs in such Suit or Action; any Law, Statute, or Provision to the contrary notwithstanding.

Plaintiff to pay treble Costs.

So much of 9 and 10 Gul. 3. Cap. 44. as inflicts Penalty for illegally trading to the East-Indies;

CXLVI. And be it further enacted, That so much of an Act made in the ninth and tenth Years of the Reign of King *William* the Third, intituled, (*An Act for raising a Sum not exceeding two Millions, upon a Fund for Payment of Annuities after the Rate of eight Pounds* per Centum per Annum, *and for settling the Trade to the* East-Indies), as inflicts any Penalty or Forfeiture for

for visiting, haunting, frequenting, trading, trafficking, or adventuring in, to, or from the *East-Indies*, or other the Parts before mentioned, contrary to the true Meaning of the said Act; and the Whole of an Act made in the fifth Year of the Reign of King *George* the First, intituled, *An Act for the better securing the lawful Trade of his Majesty's Subjects to and from the* East-Indies, *and for the more effectually preventing all his Majesty's Subjects trading thither under foreign Commissions*; and so much of any Act or Acts as continues the said Act of the fifth of King *George* the First; and so much of an Act of the seventh Year of King *George* the First, intituled, *An Act for the further preventing his Majesty's Subjects from trading to the* East-Indies *under foreign Commissions, and for encouraging and further securing the lawful Trade thereto, and for further regulating the Pilots of* Dover, Deal, *and the Isle of* Thanet, as relates to the Punishment or Prosecution of Persons for sailing, going, or repairing to, or trading, trafficking, or adventuring in, to, or from the *East-Indies*, or Parts aforesaid, to the Prejudice of the said United Company, contrary to the Laws then in being, or to the said Act; and the Whole of an Act made in the ninth Year of King *George* the First, intituled, *An Act to prevent his Majesty's Subjects from subscribing or being concerned in encouraging or promoting any Subscription for an* East-India *Company in the* Austrian Netherlands, *and for the better securing the lawful Trade of his Majesty's Subjects to and from the* East-Indies; and so much of an Act made in the third Year of King *George* the Second, intituled, *An Act for reducing the Annuity or Fund of the United* East-India *Company, and for ascertaining their Right of Trade to the* East-Indies, *and the Continuance of their Corporation for that Purpose, upon the Terms therein mentioned*; and so much of an Act made in the seventeenth Year of King *George* the Second, intituled, *An Act for granting to his Majesty the Surplus or Remainder of the Monies arising or to arise by the Duties on spirituous Liquors, granted by an Act of the last Session of Parliament, and for explaining and amending the said Act in Relation to the Retailers of such Liquors, and for establishing an Agreement with the United Company of Merchants of* England *trading to the* East-Indies, as respectively creates any Penalty or Forfeiture, with a Reference to the said Act of the seventh of King *George* the First, for the Mode of suing, distributing and recovering the same; and so much of an Act made in the tenth Year of his present Majesty, intituled, *An Act for better regulating Persons employed in the Service of the* East-India *Company, and for other Purposes therein mentioned*, as subjects any Persons concerned in the illicit Trade to, in, or from the *East-Indies* therein recited, or in any Trade thereby made punishable, to any Penalty or Penalties; and also so much of an Act made in the thirteenth Year of his present Majesty, intituled, *An Act for establishing certain Regulations for the better Management of the Affairs of the* East-India *Company, as well in* India *as in* Europe; as provides for the Delivery of any Letters or Advices to the Principal Secretaries of State, or as makes it unlawful for any Governor-General, or any of the Council of the Presidency of *Fort William* in *Bengal*, or any Chief Justice, or any of the Judges of the Supreme Court of Judicature, at *Fort William*, aforesaid, to be concerned in any Dealings or Transactions by Way of Traffic or Commerce, and as makes it unlawful for any Collector, Supervisor, or any other of his Majesty's Subjects employed or concerned in the Collection of the Revenues or the Administration of Justice in the Provinces of *Bengal*, *Bahar*, and *Orissa*, or their Agents or Servants, or any Persons in Trust for them, to buy any Goods or Commodities by Way of Trade in those Provinces, and to sell again within the same Provinces, and as makes it unlawful for any of his Majesty's Subjects in the said Provinces to be concerned in the Inland Trade in Salt, Beetle Nut, Tobacco, or Rice, except as therein mentioned, and as makes it unlawful for Persons dismissed from or resigning the Service of the said Company, or for any Free Merchant, Free Mariner, or other Person, whose Covenants or Agreements with the said Company shall be expired, to be concerned in any Trade or Commerce in the *East-Indies*, other than for the Disposal of his or their Stock in Hand, without the License of the said Company, or such Governor-General and Council, or President and Council, as therein are mentioned; and so much of the aforesaid Act made in the twenty-first Year of his present Majesty as prohibits any of the Servants of the said Company, or other *British* Subjects in *India*, from lending Money to any foreign Company or foreign *European* Merchants, or to purchase Goods in *India* for or on Account of any such Companies or Merchants, or from being concerned in lending Money or purchasing Goods to furnish any such Companies or Merchants, with the Credit of such Bills of Exchange as are described in the said Act, or as makes Provision, by Penalty or Forfeiture, or otherwise, for securing the sole and exclusive Trade of the said United Company, in, to, and from the *East-Indies* and Parts aforesaid, subject as therein is mentioned, or as prohibits the Court of Directors of the said Company from putting a Stop to any Suit or Suits, or to remit or mitigate the Penalty, Damages, or Satisfaction, sought to be recovered thereby before a final Judgment or Decree obtained in such Suit or Suits; and also an Act made in the twenty-fourth Year of his Majesty's Reign, intituled, *An Act for the better Regulation and Management of the Affairs of the* East-India *Company, and the* British *Possessions in* India, *and for establishing a Court of Judicature for the*

5 Geo. I. cap. 21.

So much of any Acts as continue 5 Geo. I. cap. 44. and 7 Geo. I. cap. 21. as relates to Punishment of Persons illegally trading to the East-Indies;

9 Geo. I. cap. 26.

So much of 3 Geo. II. cap. 14; and

of 27 Geo. II. cap. 17. as creates any Penalty with Reference to 7 Geo. I. cap. 21. for suing, &c. for the same;

So much of 10 Geo. 3. cap. 47. as subjects illicit Traders to, in, or from the East-Indies to Penalty;

So much of 13 Geo. 3. cap. 63 as provides for Delivery of Advices, to the Secretaries of State, &c.;

So much of 21 Geo. 3. cap. 65. as prohibits the lending Money to foreign Companies, &c.;

24 Geo. 3. sess. 2. cap. 25. except such Parts as relate to the Debts of the Nabob of Arcot, &c.

the more speedy and effectual Trial of Persons accused of Offences committed in the East-Indies,) save and except so much and such Parts of the last-mentioned Act as relate to the Debts of the Nabob of *Arcot* or the Rajah of *Tanjore*, or as provides for the Redress of Injuries and Wrongs to any Rajahs, Zemindars, Polygars, Talookdars, and other native Landholders within the *British* Territories in *India*, and except so much and such Parts of the same Act as are now in Force for providing for, or which relate to or concern the new Court of Judicature by the said Act established for the more speedy and effectual Trial of Persons so accused of Offences committed in the *East-Indies*, or any Proceedings had or to be had by or under the Authority of the said Court, and not by this Act varied or altered, and also except such Parts of the said Act as provides for the Repeal of any former Act or Acts; and also an Act made in the twenty-sixth Year of his Majesty's Reign, intituled, *An Act to explain and amend certain Provisions of an Act made in the twenty-fourth Year of the Reign of his present Majesty, respecting the better Regulation and Management of the Affairs of the* East-India *Company*, except so much thereof as repeals any former Act or Acts; and also so much of an Act made in the same twenty-sixth Year of his present Majesty, for the further Regulation of the Trial of Persons accused of certain Offences committed in the *East-Indies*, and for other the Purposes in the Title of the said Act mentioned, as makes Offences against any Law for securing such exclusive Trade as aforesaid to the said United Company, and all Forfeitures and Penalties for illicitly trading or for being in the *East-Indies*, prosecutable, or makes any Seizure of any Ship or Goods within the Limits of the said exclusive Trade cognizable in the Supreme Court of Judicature at *Fort William* in *Bengal*, or in the respective Mayor's Courts of *Fort Saint George* and *Bombay*, or as relates to Persons whose Licenses to go to or trade or reside within the Limits of the said exclusive Trade shall have ceased and determined, or who shall have been dismissed from or have resigned the said Company's Service, or as relates to or as makes the Powers of arresting, seizing, remitting, or sending to *England*, any Person or Persons in the *East-Indies*, or Limits aforesaid, or for seizing any Ships or Goods liable to Seizure by the said Company, enforceable and executable by the Governor-General and Council of *Fort William* in *Bengal*, or the Presidents and Councils of *Fort Saint George* and *Bombay* respectively, or the other Person and Persons therein mentioned, shall be and are and is hereby repealed and made void.

26 Geo. 3. cap. 16. except so much as repeals former Acts;

and so much of 26 Geo. 3. cap. 57. as makes Offences against the Law for securing the exclusive Trade of the Company, &c. enforceable in the East-Indies, repealed.

Repeal not to extend to Offences committed before the passing this Act, &c.;

CXLVII. Provided always, and be it enacted and declared, That the aforesaid Repeal shall not extend to any Offence committed against any of the Statutes hereby wholly or in Part repealed or Matter or Thing lawfully done in *Great-Britain* respectively, by Virtue of any of the same Statutes, before the passing of this Act, nor to any Offence committed or to be committed in the *East-Indies* against any such Statutes, or Matter or Thing lawfully done or to be done there, by Virtue of any of the same Statutes respectively, before the Commencement of this Act in *India*; but that all and every such Offences shall and may be prosecuted, and all and every such Matter and Thing shall be held to be of the same Force, Validity and Effect respectively, as if this Act had not been made, any Thing herein contained to the contrary notwithstanding.

nor to affect the Powers given to the present Board, till a new Board be appointed.

CXLVIII. Provided also and be it further enacted and declared, That the said Repeal shall not extend to take away, discontinue, abridge, or affect any of the Powers or Authorities vested by any Act or Acts in the present Board of Commissioners for the Affairs of *India*, until his Majesty shall have granted a new Commission, or Letters Patent, for constituting a new Board of Commissioners for the Affairs of *India*, under the Authority of this Act; but that the said Powers and Authorities shall and may be exercised by the said present Board of Commissioners, until such new Commission or Letters Patent shall be issued, in as large and ample Manner and Form as the same might have been exercised if this Act had not been made, any Thing herein contained to the contrary notwithstanding.

nor to affect the Powers given by 28 Geo. 3. cap. 8. and 31. Geo. 3. cap. 10. concerning Expenses of additional Forces in the East-Indies.

CXLIX. Provided also, and be it further enacted and declared, That the said Repeal shall not extend to abridge, vary, or affect any of the Powers given by, or declared to be vested in, the Board of Commissioners for the Affairs of *India*, by two several Acts, made in the twenty-eighth and thirty-first Years of his Majesty's Reign respectively, concerning the Expenses incurred or to be incurred in raising, transporting, and maintaining certain of his Majesty's Forces in the said Acts mentioned, for the Security of the said Territories and Possessions in *India*, in Addition to the Forces then there, but that the several Powers and Authorities by the said two several Acts, or either of them, given to, or declared to be vested in the said Board of Commissioners, shall and may be exercised by the Board of Commissioners for the Affairs of *India*, to be appointed by Virtue of this Act, in as large and ample Manner and Form as if the same were repeated and re-enacted, or vested in the said Board of Commissioners, by express Words in and by this Act, any Thing herein contained to the contrary notwithstanding.

CL. And

CL. And, for obviating any Doubts which might otherwise arise how far any of his Majesty's Subjects may, notwithstanding the aforesaid Repeal of the said several Acts or Parts of Acts, be entitled to recover any Debts due to them in *Great-Britain*, or in Parts beyond the Seas, or otherwise to enforce the Execution of any Contracts or Agreements, by Reason of any Pretext, to be set up by any other Person or Persons, that such Debts were contracted, or that such Contracts or Agreements were made, contrary to the Restrictions or Prohibitions in the said Acts, or some of them, contained, be it further enacted, That it shall not be competent or lawful to or for any Defendant or Defendants in any Suit or Action now depending, or hereafter to be brought in any Court either in *Great-Britain* or in the *East-Indies*, to plead or set up any Act or Acts, in the Whole or in Part repealed by this Act, in Bar of any such Suit or Action, or of any Judgment or Recovery to be obtained therein, but that the Plaintiff or Plaintiffs in all and every such Suits or Actions, as well in Law as in Equity, shall have the same Remedy to recover, and be entitled to the like Judgment, Verdict, Decree, and Execution as if the said Acts or Parts of Acts so repealed had never been made, any Act or Acts to the contrary notwithstanding.

Acts repealed not to bar Actions.

CLI. And whereas the Governor-General and the other Members of the Supreme Council of *Fort William* in *Bengal*, and the Chief Justice and other Justices of the Supreme Court of Judicature at *Fort William* aforesaid, are at present the only Persons authorized by Law to act as Justices of the Peace within and throughout the Provinces, Districts, and Countries of *Bengal*, *Bahar*, and *Orissa*; and the Governor or President, and the other Members of the Council of *Fort Saint George*, on the Coast of *Coromandel*; and the Governor or President, and the other Members of the Council of *Bombay*, are the only Persons authorized by Law to act as Justices of the Peace in and for the Presidency of *Fort Saint George*, and the Presidency, Island, Town, and Factory of *Bombay*, and the Places belonging and subordinate to the said two last-mentioned Presidencies, respectively: And whereas, for preserving and maintaining the Peace in the said Provinces and Presidencies aforesaid, and the Places subordinate thereto, it is expedient that a further Number of Persons should be appointed to act as Justices of the Peace in and for the same respectively: Be it therefore further enacted, That it shall and may be lawful to and for the Governor-General in Council of *Fort William* in *Bengal* for the Time being, by Commissions to be from Time to Time issued under the Seal of the Supreme Court of Judicature there, in the Name of the King's Majesty, his Heirs and Successors, tested in the Name of the Chief Justice of the said Court (which said Commissions the said Supreme Court of Judicature is hereby authorized and required from Time to Time, by any Order or Warrant from the said Governor-General in Council, to issue accordingly) to nominate and appoint such and so many of the covenanted Servants of the said Company, or other *British* Inhabitants, as the said Governor-General in Council shall think properly qualified, to act as Justices of the Peace within and for the said Provinces and Presidencies, and Places thereto subordinate respectively, and such Persons shall, according to the Tenor of the respective Commissions wherein they shall be so nominated and appointed, and by Virtue thereof, and of this Act, have full Power and Authority to act as Justices of the Peace, according to the Tenor of the same Commissions, wherein they shall be respectively named in and for the Provinces and Presidencies aforesaid, and Places subordinate thereto respectively; and the said Supreme Court, upon any Requisition in Writing from the said Governor-General in Council, shall and may from Time to Time supersede such Commissions, and upon like Requisition issue new Commissions for the Purposes aforesaid, unto the same or such other of the covenanted Servants of the said Company, or other *British* Inhabitants, as shall from Time to Time be so nominated by the said Governor-General in Council in that Behalf, all which Commissions shall be filed of Record in the respective Courts of Oyer and Terminer of the Province, Presidency, or Place wherein and for which the same shall be issued as aforesaid: Provided always, that the Persons who shall be so nominated and appointed as aforesaid shall not be capable of holding any Court of Oyer and Terminer and Gaol Delivery, nor to sit in any such Court, unless the Justices of the said Court shall, on any particular Occasion, call upon them so to do, in which Case, and so often as the same shall happen, the Persons so called upon shall and may for that Time associate with them, and sit as Justices of the said Court of Oyer and Terminer and Gaol Delivery by Virtue of this Act, and have a deliberative Voice, being first specially authorized for that Purpose by Order in Council.

Power given to the Governor-General in Council of Fort William, &c. to appoint Justices of the Peace.

Such Justices not to sit in Courts of Oyer and Terminer unless called upon.

CLII. Provided always, and be it further enacted, That no Person to be nominated and appointed in and by any such Commission as aforesaid shall be capable of acting as a Justice of the Peace in any of the said Provinces or Presidencies, until he shall have taken and subscribed

No Persons capable of acting as a Justice of the Peace till they have taken the requisite Oaths.

scribed in the Court of Oyer and Terminer of the Province or Presidency for which he shall be appointed to act as a Justice of the Peace, the like Oaths as are appointed to be taken by Justices of the Peace in *Great-Britain*, or as nearly to the Tenor thereof as the Case will admit, and as shall be approved by the said Court; the Oath of Qualification prescribed by an Act of the eighteenth Year of his late Majesty King *George* the Second, intituled, *An Act to amend and render more effectual an Act passed in the fifth Year of his present Majesty's Reign*, intituled, *An Act for the Qualification of Justices of the Peace*, only and always excepted.

18 *Geo.* 2. *c.* 20.

Proceedings of the Justices of the Peace, may be removed by *Certiorari* into the Court of Oyer and Terminer, &c.

CLIII. Provided always, and be it further enacted and declared, That all Convictions, Judgments, Orders, and other Proceedings, which shall be had, made, or pronounced by or before any Justice or Justices of the Peace within any of the *British* Settlements or Territories in *India*, out of the Court of Oyer and Terminer within and for the same, shall and may be removeable, by Writ of *Certiorari*, into the Court of Oyer and Terminer and Gaol Delivery of and for the same Presidency, at the Instance of any of the Parties thereby affected or aggrieved, at any Time within the Space of six Calendar Months next after the making or pronouncing thereof respectively; and for that Purpose it shall and may be lawful to and for any one or more of the Justices of the said Court of Oyer and Terminer and Gaol Delivery, and such Justice or Justices is and are hereby required, at the Instance of such Party or Parties, to grant his Fiat or Warrant to the Keeper of the Rolls of the Peace, or other proper Officer, to award a Writ of *Certiorari* under the Seal of the Supreme Court of Judicature, when the Matter shall arise in *Bengal*, *Bahar*, or *Orissa*, or, if it shall arise in the Presidency of *Fort Saint George*, or in the Presidency of *Bombay*, or in any Settlement or Place subordinate thereto respectively, then under the Seal of the Mayor's Court of the Presidency wherein the Matter shall so arise, or to which the Cognizance thereof shall belong, for the Removal and bringing of such Conviction, Judgment, Order, or other Proceeding into the said Court of Oyer and Terminer and Gaol Delivery; and that the said Court of Oyer and Terminer and Gaol Delivery shall have full Power and Authority to hear and determine the Matter of such Conviction, Judgment, Order, and other Proceeding so removed, and to quash or affirm the same, so that the same be not quashed for want of Form, but on the Merits only, and to pronounce Judgment thereon, in the like Manner as the Court of *King's Bench* at *Westminster* can or may do upon Convictions, Judgments, Orders, or other Proceedings had or made by or before any Justices of the Peace, or Court or Quarter Sessions in *England* removed or brought into the said Court of *King's Bench* by Writ of *Certiorari*.

Before granting Writs of *Certiorari*, Recognizance to be entered into.

CLIV. Provided also, and be it enacted and declared, That before the granting of any such Writ the like Recognizances shall be entered into, and the Party or Parties applying for such Writ shall be put under the same Terms and Conditions, in all Respects, as are by Law directed and provided in the Cases of Writs of *Certiorari* awarded or granted for the Removal of any Conviction, Judgment, Order, or other Proceeding, had or made by or before any Justice or Justices of the Peace in *England* into the said Court of *King's Bench*, or as by the Usage and Practice of the same Court hath been accustomed.

Justices of the Peace may sit in the Council of the Presidency to hear Appeals.

CLV. And be it further enacted, That it shall and may be lawful for the Governor-General in Council of *Fort William*, or the Governors of *Fort Saint George* and *Bombay*, by any Order to be made in their Councils respectively, to call any of the Justices of the Peace authorized in and by any such Commission or Commissions as aforesaid, to sit and associate with the said Governor-General in Council, or Governor in Council, for the more speedy hearing and determining of Causes appealed; and that the said Justices shall, and they are hereby authorized and required, when so called upon, to act as Justices in the Court of Appeals accordingly, and to have and use deliberative Voice in all Proceedings upon such Appeals.

Charter of Justice, dated 26th March, 1774, recited.

CLVI. And whereas, by the Charter of Justice under the Great Seal of *Great-Britain*, bearing Date the Twenty-sixth Day of *March*, in the fourteenth Year of his present Majesty's Reign, for establishing the Supreme Court of Judicature of *Fort William* in *Bengal*, his Majesty did grant, ordain, establish, and appoint, that the said Supreme Court of Judicature should be a Court of Admiralty, with Power and Authority to enquire, hear, try, examine, and determine, by the Oaths of *British* Subjects, all Treasons, Murders, Piracies, Robberies, Felonies, Maimings, Forestallings, Extortions, Trespasses, Misdemeanors, Offences, Excesses, and Enormities, and Maritime Causes whatsoever, according to the Laws and Customs of the Admiralty of *England*, done, perpetrated, or committed upon the High Seas, Rivers, Ports, Creeks, Harbours,

Harbours, and Places over-flown, within the ebbing and flowing of the Sea and High-water Mark, within, about, and throughout the Provinces, Countries, or Districts of *Bengal*, *Bahar*, and *Orissa*, and the Territories or Islands adjacent thereto and dependant thereon; the Cognizance whereof doth belong to the Jurisdiction of the Admiralty, as the same is used and exercised in that Part of *Great-Britain* called *England*: And whereas Doubts have arisen how far the Jurisdiction of the said Supreme Court, in Criminal Matters, is limited by the said Charter to Offences committed on the Coasts of *Bengal*, *Bahar* and *Orissa*, Territories or Islands respectively, within the ebbing and flowing of the Sea and High-water Mark: And inasmuch as it is essentially necessary that the Admiralty Jurisdiction of the said Supreme Court of Judicature should extend to Crimes and Offences committed on the High Seas at large: Be it further enacted and declared, That the Power and Authority of the said Court, granted to them by the said Charter of Justice, shall extend and be extended to the High Seas, and that the said Court shall, by force and virtue of this Act, have full Power and Authority to enquire, hear, try, examine, and determine, by the Oaths of honest and lawful Men, being *British* Subjects, resident in the Town of *Calcutta*, all Treasons, Murders, Piracies, Robberies, Felonies, Maimings, Forestallings, Extortions, Trespasses, Misdemeanors, Offences, Excesses, and Enormities, and Maritime Causes whatsoever, according to the Laws and Customs of the Admiralty of *England*, done, perpetrated, or committed upon any of the High Seas, and to fine, imprison, correct, punish, chastise, and reform Parties guilty, and Violators of the Laws, in like and in as ample Manner, to all Intents and Purposes, as the said Court might or could do if the same were done, perpetrated, or committed within the Limits prescribed by the said Charter of Justice, and not otherwise, or in any other Manner.

Power given by recited Charter to the Supreme Court of Judicature, to extend to the High Seas.

Presidencies may appoint Coroners, who may exercise the same Powers as Coroners in England.

CLVII. And whereas it is expedient that Coroners should be appointed for the Settlements in *India*, for taking Inquests upon View of the Bodies of Persons coming, or supposed to have come to an untimely End: Be it enacted, That the Governor-General in Council at *Fort William*, and the Governors in Council at *Fort Saint George* and *Bombay*, within their several Presidencies and Governments respectively, shall have full Power and Authority, by Orders in Council, from Time to Time to nominate and appoint so many Coroners, being *British* Subjects, as they shall respectively think fit, or as shall be limited by the Court of Directors of the said Company, and by like Orders to supersede and remove the Persons so appointed, as Occasion may appear to require; and that the Persons so nominated, and taking and subscribing, before one of the Judges of the Supreme Court of Judicature, or one of the Mayor's Courts, the like Oaths as are directed to be taken by the Coroners of Counties in *England*, shall and may, by force of this Act, have, do, execute, perform, and exercise the like Powers, Authorities, and Jurisdictions, within the Presidency or Settlement for which they shall be so respectively nominated and appointed, as by Law may be had, done, executed, performed, or exercised by Coroners elected for any County or Place in *England*, and not otherwise, or in any other Manner; and that such Coroners shall have and be entitled unto such reasonable Fees and Allowances, for the Performance of the Duty of their said Office, as shall be limited or prescribed by the said respective Governments in that Behalf.

1 Geo. 1. c. 52.

7 Geo. 3. c. 42.

Justices may appoint Scavengers for cleansing the Streets of Calcutta, Madras, and Bombay, and may order their being watched and repaired, and make Assessments for those Purposes, &c.

CLVIII. And whereas, by an Act of the first Year of the Reign of his late Majesty King *George* the First, intituled, *An Act for making the Laws for repairing the Highways more effectual*, Provision was made for authorizing Justices of the Peace in Cities and Market-Towns, at their General or Quarter Sessions, to appoint Scavengers for cleansing and repairing the Streets of the same, and to raise Money by Assessments upon the Inhabitants for defraying the Expenses thereof: And whereas, by an Act passed in the seventh Year of the Reign of his present Majesty, to amend and reduce into one Act the Statutes for the Amendment and Preservation of the public Highways, it was enacted, That the said recited Act of the First Year of King *George* the First should be repealed: And whereas, it is essentially necessary for the Health, as well as for the Security, Comfort, and Convenience, of the Inhabitants of the Towns and Factories of *Calcutta*, *Madras*, and *Bombay*, in the *East-Indies*, that the Streets therein should be regularly and effectually cleansed, watched, and repaired: Be it therefore enacted, That it shall and may be lawful to and for the Justices of the Peace within or for the Presidencies of *Fort William*, *Fort Saint George*, and *Bombay*, respectively, for the Time being, or the Major Part of them, from Time to Time assembled at their General or Quarter Sessions, to appoint Scavengers for cleansing the Streets of the said Towns or Factories of *Calcutta*, *Madras*, and *Bombay* respectively, and to nominate and appoint such Persons as they shall think fit in that Behalf, and also to order the watching and repairing of the Streets therein as they respectively shall

shall judge necessary, and for the Purpose of defraying the Expenses thereof, from Time to Time, to make an equal Assessment or Assessments on the Owners or Occupiers of Houses, Buildings, and Grounds, in the said Towns or Factories respectively, according to the true and real annual Values thereof, so that the Whole of such Assessment or Assessments shall not exceed, in any one Year, the Proportion of one-twentieth Part of the gross annual Values thereof respectively, unless any higher Rate of Assessment shall, in the Judgment of the Governor-General in Council, or Governor in Council, of the said respective Presidencies, become essentially necessary for the cleansing, watching, or repairing thereof, in which Case the said Governor-General in Council, or Governor in Council, shall and may, on any such urgent Occasion, by Order in Council, authorize a further Assessment, not exceeding in any one Year the half Part of the Amount of the ordinary annual Assessment herein-before limited, and that it shall be thereupon lawful for the said Justices to make a further Assessment, according to the Tenor of such Order, and not otherwise, or in any other Manner; and that all and every such Assessment or Assessments shall and may, from Time to Time, be levied and collected by such Person or Persons, and in such Manner, as the said Justices, by their Order in Session, shall direct and appoint in that Behalf, and the Money thereby raised shall be employed and disposed of according to the Orders and Directions of the said Justices in Session respectively, for and towards the repairing, watching, and cleansing the said Streets, and for no other Purpose; and that the said Assessments, being allowed under the Hands and Seals of such Justices, or any two or more of them, shall and may be levied by Warrant under their Hands and Seals, or the Hands and Seals of any two of them, by Distress and Sale of the Goods and Chattels of any Person or Persons not paying the same within eight Days after Demand, rendering the Overplus (if any be) to the same Person or Persons, the necessary Charges of making, keeping, and selling such Distress or Distresses, being first deducted.

No Spirituous Liquors to be sold in Calcutta, Madras, or Bombay, without License.

CLIX. And be it further enacted, That it shall not be lawful for any Person or Persons to sell any Arrack or other spirituous Liquors within the Towns or Factories of *Calcutta*, *Madras*, or *Bombay* respectively, without a License for that Purpose under the Hands and Seals of two or more of the Justices of the Peace having Jurisdiction; and that the Powers and Authorities vested, by any Laws or Statutes now in force in that Part of *Great-Britain* called *England*, in any Justices of the Peace for restraining the inordinate Sale of spirituous Liquors, shall extend to and be put in Force against all unlicensed Traders in Spirits or spirituous Liquors within the said Towns and Factories respectively, by the Justices having Jurisdiction therein; and that if any Question shall arise touching or concerning the true Limits and Extent of the said Towns and Factories, or any of them, the same shall be enquired into by the Governor-General in Council at *Fort William*, in Respect to the Limits and Extent of *Calcutta*, and by the Governor in Council of *Fort Saint George*, in Respect to the Limits and Extent of *Madras* and the Governor in Council at *Bombay* in Respect of the Town of *Bombay*; and that such Limits as the said respective Governments, by Order in Council, shall declare and prescribe to be the Limits of the said Towns and Factories respectively, shall be held, deemed, and taken in Law as the true Limits of the same; any Custom or Usage to the contrary notwithstanding.

By whom the Limits of those Places shall be prescribed.

Directors hereafter elected to take the following Oath.

CLX. And be it further enacted, That every Person who shall hereafter be elected a Director of the said Company shall, within ten Days next after his Election, and before he shall take that Office upon him (save only the administering the Oath herein-after mentioned), instead of the Oaths now prescribed to be taken by Persons elected Directors of the said Company, take the following Oath; (that is to say),

Oath.

I A. B. *do swear, that the Sum of two thousand Pounds, now standing in my Name, of the Stock of the United Company of Merchants of* England *trading to the* East-Indies, *whereof I am elected to be a Director, doth at this Time belong to me in my own Right, and not in Trust for any other Person or Persons whomsoever. And I do further swear, that in Case I shall at any Time or Times, whilst I shall continue to be a Director of the said Company, have any Dealings or Business with the said Company upon my own Account, separately, or in Conjunction with any other Person or Persons, for or in Respect of buying for or selling to the said Company any Bullion or other Goods whatsoever, or in making any other Bargain or Contract whatsoever, by, to, or with the said Company, then and in every such Case, previous to any Treaty or Negotiation upon such Business or Businesses, I will declare and record the same upon the Proceedings of the Court or Committee where the same is to be transacted, and that I will withdraw from such Court or Committee*

Committee during the Discussion thereof, and will not return thereto until after such Business or Businesses shall be decided upon. And I do further swear, That I am not directly or indirectly interested or concerned, as an Owner or Part Owner, of or in any Ship or Vessel which at this Time is hired or freighted, or is expected to be hired or freighted to or for the Use of the said Company; and that during the Time I shall continue to be a Director of the said Company, I will not become an Owner or Part Owner of any Ship or Vessel which is or shall be so freighted, except such Ships or Shares of Ships as shall come to me by Bequest or Marriage, or as next of Kin of any Person who shall die intestate, and that in all such Cases I will forthwith give Notice in Writing to the Court of Directors of the said Company of my being so interested; and I do hereby promise that I will sell and dispose of my Interest in such Shipping within twelve Months next after my Interest therein shall accrue, or in Default thereof shall and will vacate my Place and Office of a Director of the said Company. And further I do swear, that I will not directly or indirectly, accept or take any Perquisite, Emolument, Fee, Present, or Reward, upon any Account whatsoever, or any Promise or Engagement for any Perquisite, Emolument, Fee, Present, or Reward whatsoever, for or in Respect of the Appointment or Nomination of any Person or Persons to any Place or Office in the Gift or Appointment of the said Company, or of me as a Director thereof, or for or on Account of stationing or appointing the Voyage or Voyages of any Ship or Ships in the said Company's Employ, or for or on Account of, or any ways relating to, any other Business or Affairs of the said Company. And I do further swear, that I will be faithful to the said Company, and according to the best of my Skill and Understanding, give my best Advice, Counsel, and Assistance for the Support of the good Government of the said Company, and during my Continuance in the said Company will not at any Time or Times ship, lade, send, direct or cause to be sent from England, *or any other Country, to the* East-Indies, *or other Parts within the Limits wherein the said Company may lawfully trade by Virtue of their Charter of Incorporation, or bring from thence, for my private Account, any Goods, Coins, or other Merchandizes, contrary to an Act of Parliament made in the thirty-third Year of the Reign of his Majesty King* George *the Third, intituled* [here insert the Title of this Act]. *And I do further faithfully promise and swear, that in the Office of a Director of the said Company, I will be indifferent and equal to all Manner of Persons, and will in all Things faithfully and honestly demean myself according to the best of my Skill and Understanding.*

So help me GOD.

Which said Oath shall be signed by the Person or Persons taking the same, and shall be administered by any two of the Directors of the said Company, who also shall sign and attest the same; and in case any Person so to be elected a Director of the said Company, shall refuse or neglect to take the said Oath within the Time aforesaid, his Office or Place, as a Director of the said Company, shall become void.

18 Geo. 3. c. 26, and 13 Geo. 3. c. 44, recited.

CLXI. And whereas, by an Act made in the eighteenth Year of the Reign of his late Majesty King *George* the Second, intituled, *An Act for repealing the present Inland Duty of four Shillings per Pound Weight upon all Tea sold in* Great-Britain, *and for granting to his Majesty certain other Inland Duties in Lieu thereof, and for better securing the Duty upon Tea, and other Duties of Excise; and for pursuing Offenders out of one County into another*; and by an Act made in the thirteenth Year of the Reign of his present Majesty, intituled, *An Act to allow a Drawback of the Duties of Customs on the Exportation of Tea to any of his Majesty's Colonies or Plantations in* America; *to increase the Deposit on Bohea Tea to be sold at the* East-India *Company's Sales, and to empower the Commissioners of the Treasury to grant Licenses to the* East-India *Company to export Tea Duty-free*; every Person who should, at any public Sale of Tea made by the said United Company, be declared to be the best Bidder for any Lot or Lots of Tea, is required, within three Days after being so declared the best Bidder or Bidders for the same, to make such Deposits with the said United Company, for every Tub and for every Chest of Tea, as in the said respective Acts are mentioned, under and subject to such Regulations, Forfeitures, Penalties, and Disabilities, as in the same Act are mentioned: And whereas it is expedient to vary the Time of paying the said Deposits; be it further enacted, That, from and after the Commencement of this Act, the Provision made in the said recited Acts, with Respect to the Time of paying the said Deposits, shall cease; and that in Respect of all Tea sold at the said Company's

Deposits for Tea to be made at the Times herein specified, instead of those directed by last recited Acts.

Company's Sales, at any Time from and after the Commencement of this Act, the said Deposits shall be paid at such Times as herein-after are mentioned, (that is to say), on all Tea of which any Person shall be declared the best Bidder on the *Monday* and *Tuesday* of each Week in which any Sale of Tea shall be made, the said Deposits shall be paid at or before three of the Clock in the Afternoon of the *Saturday* then next following; and on all Tea of which any Person shall be declared the best Bidder on the *Wednesday*, *Thursday*, *Friday*, and *Saturday* of each Week in which any Sale of Tea shall be made, the said Deposits shall be paid on or before three of the Clock in the Afternoon of the *Tuesday* then next following, under the same Terms and Conditions, and subject to the same Regulations, Forfeitures, Penalties, and Disabilities, as are mentioned and contained in the said Act of the eighteenth Year of the Reign of his said late Majesty.

Limitation of Suits.

CLXII. And be it further enacted, That all Suits and Prosecutions for any Thing done under or by Virtue of this Act, shall be commenced within the Space of three Years after the Cause of Complaint shall have arisen, or, being done in *Great-Britain*, in the Absence of any Person beyond Sea aggrieved thereby, then within the Space of three Years next after the Return of such Person to *Great-Britain*.

Commencement of the Parts of the Act, for which no particular Time is appointed.

CLXIII. And be it further enacted, That so much and such Parts of this Act, in Respect whereof no particular Time or Times of Commencement is or are herein named or appointed, shall have Commencement in *Great-Britain* immediately after this Act shall have received his Majesty's Royal Assent, and in the *East-Indies*, and other Parts and Limits aforesaid, from the first Day of *February* one thousand seven hundred and ninety-four.

34 GEORGII III. Cap. XLI.

An Act to impower the East-India *Company to continue a Bond Debt of two Millions, and to increase the same by a further Sum, as Circumstances may require.*

[9th *May*, 1794.]

Preamble.

33 Geo. 3, Cap. 47, recited.

WHEREAS by an Act, made in the last Session of Parliament, intituled, *An Act for placing the Stock called* East-India Annuities, *under the Management of the Governor and Company of the Bank of* England, *and ingrafting the same on the three Pounds* per Centum *reduced Annuities, in Redemption of a Debt of four millions two hundred thousand Pounds, owing by the Public to the* East-India *Company; and for enabling the said Company to raise a Sum of Money by a further Increase of their Capital Stock, to be applied in Discharge of certain Debts of the said Company*; it was amongst other Things enacted, That it should be lawful for the said Company, with the Consent of the Commissioners of his Majesty's Treasury, or any Three of them, or the High Treasurer for the Time being, at any Time or Times thereafter, to open Books and receive Subscriptions for enlarging their then present Capital Stock or Fund of five millions to any Sum not exceeding the further Sum of one million, so as to make their whole Capital Stock the Sum of six millions; and that the said Company should, out of the Monies to arise by the said Subscriptions, in the first Place, apply so much thereof as should be sufficient for the Purpose in reducing their Bond Debt in *Great-Britain* to the Sum of one million five hundred thousand Pounds, and after such Reduction made, or a sufficient Sum set apart and reserved for that Purpose, that the said Company should and might apply and dispose of the Residue of the Monies arising by the said Subscriptions in the Discharge of such other Debts due or coming due from them, as they should think fit. And it was thereby also enacted, That after the said Bond Debt should have been so reduced to one million five hundred thousand Pounds as aforesaid, it should not be lawful for the said Company again to increase the same beyond that Amount, unless with the Approbation of the Board of Commissioners for the Affairs of *India*, for that Purpose in Writing first had and obtained, and that the whole Increase to be made to the said Bond Debt should in no Wise exceed the Sum of five hundred thousand Pounds: And whereas the said Company have accordingly received Subscriptions in the Manner by the said Act directed, whereby their Capital Stock hath been increased to six millions, and the said Company

Company have, out of the Monies arising by the said Subscriptions, paid, bought up, or otherwise discharged Bonds to the Amount of one million one hundred and fifty thousand five hundred and seventy-five Pounds, or thereabouts, and have set apart a sufficient Sum for the Purchase or Discharge of as many more Bonds as will reduce the said Debt to two millions: And whereas, in the present State of the Affairs of the said Company, it will be for their Convenience and Advantage, that instead of applying any further Part of the Money which hath arisen by the said Subscription in or towards a further Reduction of their said Bond Debt, beyond the Sum already set apart as aforesaid, the Company should be permitted to apply the same to the general Purposes of their Commerce, and to continue on Foot the said Bond Debt of two millions, and it is also expedient that the said Company should be permitted to increase their said Bond Debt by a further Sum not exceeding one million, as Circumstances may require: May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for the said Company to keep on Foot and continue their said Bond Debt in *Great-Britain* at the aforesaid Amount of two millions, and to apply the surplus Monies of the said Subscriptions remaining, after reducing or setting apart a sufficient Sum to reduce the said Bond Debt to the Amount aforesaid, to and for the general Purposes of their Trade and Commerce; and further, that it shall and may be lawful for the said Company, by and with the Approbation and Consent of the Board of Commissioners for the Affairs of *India* for the Time being, at any Time or Times hereafter, to borrow upon and issue Bonds, under their common Seal, for any further Sum or Sums of Money, not exceeding in the Whole the Sum of one million, for the Purposes of their Trade, as Circumstances may require, any Thing contained in the said Act, or in any other Act, to the contrary notwithstanding.

Company may continue their Bond Debt of 2,000,000l. and borrow a further Sum of 1,000,000l.

35 GEORGII III. Cap. XCII.

An Act for further encouraging and regulating the Southern Whale Fisheries.

[22d *June*, 1795.]

Preamble.

WHEREAS it is proper to encourage the Fishery carried on by His Majesty's *European* Subjects in the Seas to the Southward of the *Greenland* Seas and *Davis's Streights*, for the Purpose of taking Whales and other Creatures found in those Seas, by continuing the present Premiums, and bestowing them in a different Manner: And whereas it is of Importance that immediate Effect should be given to the said Premiums, for which Reason it is necessary to repeal the Laws by which the present Premiums are granted: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, an Act, passed in the twenty-sixth Year of the Reign of His present Majesty, intituled, *An Act for the Encouragement of the Southern Whale Fishery*; and also an Act, passed in the twenty-eighth Year of the Reign of his present Majesty, intituled, *An Act for amending an Act made in the twenty-sixth Year of His present Majesty's Reign, for the Encouragement of the Southern Whale Fishery; and for making further Provisions for that Purpose*; and also every Act, and Part of an Act, repealed by the said Acts, or either of them, shall be, and are hereby repealed; except so far as regards Ships or Vessels which have been or may be fitted and cleared out for the Purpose of carrying on such Fishery before the first Day of *November*, one thousand seven hundred and ninety-five, under the Encouragements given by the said Acts.

26 Geo. III. Cap. 50. and 28 Geo. III. Cap. 20, &c. repealed, except as to Vessels cleared out before November 1. 1795.

Premiums granted for Three Years to 28 Ships fitted out for the Fishery.

II. And be it further enacted by the Authority aforesaid, That the several Premiums hereafter mentioned shall be paid and allowed for three Years, from the first Day of *January*, one thousand seven hundred and ninety-six, to twenty-eight Ships or Vessels employed in the said Fishery, under the Limitations and Restrictions herein-after expressed; that is to say, every such Ship or Vessel shall appear by her Register to be *British* built, and shall be fitted and cleared out from some Port of *Great Britain* or *Ireland*, or the Islands of *Jersey*, *Guernsey*, or *Man*, and shall be wholly owned by His Majesty's Subjects usually residing in any of the Dominions aforesaid, and navigated as herein-after directed.

Premiums and Conditions for 15 Ships.

III. And be it further enacted by the Authority aforesaid, That for fifteen of such Ships or Vessels which shall be so fitted and cleared out between the first Day of *January* and the thirty-first Day of *December*, in the Year one thousand seven hundred and ninety-six, and between the first Day of *January* and the thirty-first Day of *December*, in each succeeding Year, and shall have sailed to the Southward of the Equator, and shall there have *bonâ fide* carried on the said Fishery, and shall return before the first Day of *December*, in the Year subsequent to that in which they cleared out, to some Port of *Great Britain*, there shall be paid and allowed three hundred Pounds to each of the five such Ships or Vessels, which shall so sail and first arrive, within the Times herein-before mentioned, with the greatest Quantity of Oil or Head Matter taken together, being not less in the Whole than twenty Tons in each of such Ships or Vessels, and being the Produce of one or more Whale or Whales, or other Creatures living in the Seas, taken and killed by the Crews of every such Ship or Vessel respectively; and there shall be paid and allowed two hundred Pounds to each of the five such Ships or Vessels which shall, in like Manner, sail and first arrive with the next greatest Quantity of such Oil or Head Matter taken together, being not less in the Whole than twenty Tons in every such Ship or Vessel, and being the Produce of any Whale or Whales, or other Creatures living in the Seas, so taken as aforesaid; and there shall be paid and allowed one hundred Pounds to each of the five such Ships or Vessels, and which shall in like Manner sail and first arrive with the next greatest Quantity of such Oil or Head Matter taken together, being not less in the Whole than twenty Tons in every such Ship or Vessel, and being the Produce of any Whale or Whales, or other Creatures living in the Seas, so taken as aforesaid.

Premiums and Conditions for 5 other Ships.

IV. And be it further enacted by the Authority aforesaid, That for five other of such Ships or Vessels which shall be fitted and cleared out, and shall sail within the Times herein-before mentioned, and proceed to the Southward of the thirty-sixth Degree of South Latitude, and shall there *bonâ fide* carry on the said Fishery, and shall not return till after the Expiration of fourteen Calendar Months from the Day on which they cleared out, but before the thirty-first Day of *December* in the second Year after their clearing out, to some Port in *Great Britain*, there shall be paid and allowed four hundred Pounds to each of such Ships or Vessels which shall so sail and arrive, within the Times herein-before last mentioned, with the greatest Quantity of Oil and Head Matter taken together, being not less in the Whole than twenty Tons, and being the Produce of any Whale or Whales, or other Creatures living in the Seas, and taken and killed by the Crew of such Ship or Vessel.

Premiums and Conditions for 8 other Ships.

V. And be it further enacted, That for eight other of such Ships or Vessels which shall be fitted and cleared out, and shall sail within the Times herein-before mentioned, and shall double *Cape Horn*, or pass through the *Streights of Magellan* into the *South Seas*, and carry on the said Fishery during the Space of four Months to the Westward of *Cape Horn*, in those Seas, and shall not return to some Port of *Great Britain* till after the Expiration of sixteen Calendar Months from the Day on which they cleared out, but before the thirty-first Day of *December* in the second Year after their clearing out, there shall be paid and allowed six hundred Pounds to any one of such last mentioned Ships or Vessels, which shall so sail and arrive within the Times herein-last mentioned, with the greatest Quantity of Oil and Head Matter taken together, being not less in the Whole than thirty Tons, and being the Produce of any Whale or Whales, or other Creatures living in the Seas, and taken and killed by the Crew of such Ship or Vessel in the said Voyage, either outward or homeward; and there shall be paid and allowed five hundred Pounds to each seven of such Ships or Vessels last before mentioned, which shall so sail and arrive within the Times herein last before mentioned, with the next greatest Quantity of Oil and Head Matter taken together, being not less in the Whole than thirty Tons, and being the Produce of any Whale or Whales, or other Creatures living in the Seas, and taken and killed by the Crew of such Ship or Vessel in the said Voyage, either outward or homeward.

Vessels need not be cleared out specially for the Latitudes specified.

VI. Provided always, and be it further enacted, That the Owner or Owners of any Ship or Vessel shall not be obliged to clear out specially for the respective Latitudes specified in this Act, but shall be entitled to the Premiums hereby granted, on complying with all the other Conditions, Regulations, and Restrictions, imposed by this Act.

The Master and 4ths of the Crew to be *British* Subjects, or, if cleared from *Britain*,

VII. And be it further enacted by the Authority aforesaid, That every such Ship or Vessel shall be navigated by Persons, of whom the Master and at least three-fourths of the Mariners are His Majesty's Subjects, usually residing in *Great Britain*, *Ireland*, *Guernsey*, *Jersey*, or *Man*;

Man; or if such Ship or Vessel shall clear out from any Port of *Great Britain*, then that such Ship or Vessel may be navigated by Persons being Protestants, and who, not being Subjects of His Majesty, have been heretofore employed in carrying on the said Fishery, and who shall, at the Time of clearing out of every Ship or Vessel on Board of which they shall serve respectively, take the Oath (or, being a Quaker, shall make a Declaration) of Fidelity and Allegiance to His Majesty, and also shall make Oath (or, being a Quaker, shall make Affirmation) before two or more of the principal Officers of the Customs, of which the Collector is to be one, at the Port where such Ship or Vessel shall so clear out, (which Oath or Affirmation they are hereby authorised and required to administer), if it is their first Voyage from any Port of *Great Britain*, that they have already established, or that it is their Intention to establish themselves and their Families in *Great Britain*, as Inhabitants thereof, and Subjects of His Majesty; and if it shall be their second, or any subsequent Voyage, that they actually have established themselves and their Families in *Great Britain*, and have taken the Oath (or, being Quakers, have made a Declaration) of Fidelity and Allegiance to His Majesty, as aforesaid.

Foreign Protestants, intending to settle in *Britain*, &c.

No Premium to be paid unless there is an Apprentice, indentured for Three Years, on Board, for every 50 Tons Burthen.

VIII. And be it further enacted by the Authority aforesaid, That no Premium granted by this Act shall be paid or allowed to any Person or Persons whatever, for or on Account of any Ship or Vessel employed in the aforesaid Fishery, unless such Ship or Vessel shall have on Board an Apprentice indentured for the Space of three Years, at the least, for every fifty Tons Burthen of such Ship or Vessel by Admeasurement, every such Apprentice not exceeding the Age of eighteen Years, nor being under fourteen Years, at the Time he shall be so indentured, and having proceeded on and continued the Whole of the Voyage, both out and home, for which any such Premium shall be claimed, unless such Apprentice died or deserted in the course of the Voyage; which Facts shall and are hereby required to be verified by the Oath of the Master, the Mate, and two of the Mariners belonging to such Ship or Vessel, unless by Reason of some unavoidable Accident, Proof whereof shall be made to the Satisfaction of the Officers of the Customs herein-after mentioned, two Mariners cannot be procured, and then by the Oath of the Master and Mate, taken before two or more of the principal Officers of the Customs, at the Port to which such Ship or Vessel shall return from the said Fishery, (of which the Collector is to be one); which Oath they are hereby authorised and required to administer; and in Confirmation also thereof, the proper Officers of the Customs belonging to the Port to which such Ships or Vessels shall respectively return, shall, immediately after their Return from such Voyage respectively, visit every such Ship or Vessel, and muster the Crew, and having satisfied themselves therein, shall certify the same to the Commissioners of His Majesty's Customs in *England* and *Scotland* respectively.

Penalty of 50 *l.* on Masters suffering Apprentices to quit the Service before Expiration of Term.

IX. And be it further enacted by the Authority aforesaid, That if the Master of any Ship or Vessel, or any other Person or Persons whatever, to whom any Apprentice or Apprentices shall be indentured pursuant to this Act, shall permit or suffer any such Apprentice or Apprentices to quit, leave, or depart his or their Service, on any Pretence whatever, except as herein-after is provided, before the Expiration of the Term for which he or they shall be bound, every such Master or other Person shall forfeit and pay, for each and every Offence, the Sum of fifty Pounds, to be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record, in which no Wager of Law, no Essoin, nor any more than one Imparlance, shall be allowed. Provided nevertheless, that nothing herein contained shall extend, or be construed to extend, to inflict the aforesaid Penalty, in any Case where any Apprentice or Apprentices shall be legally discharged before a Magistrate or a Justice of the Peace, or shall be turned over from one Person to another Person concerned in either of the aforesaid Fisheries, to serve the Remainder of his Time in such Fisheries, pursuant to the Directions of this Act: Provided also, and it is hereby declared, that no Bounty or Premium shall be paid or allowed by virtue of this Act in any Case, unless there shall be inserted in the Indenture or Indentures of each and every Apprentice or Apprentices, who shall be indentured by virtue of this Act, or who shall be turned over from one Person to another, pursuant to this Act, the Name or Names of the Ship or Vessel, or Ships or Vessels, on Board of which such Apprentice or Apprentices is or are bound to serve.

No Premium to be allowed unless the Names of Vessels in which Apprentices are to serve are inserted in Indentures.

Apprentices to be considered as such for the Voyage, tho' their Indentures expire during it.

X. And be it further enacted, That in case the Time for which any Apprentice shall have been indentured to serve on Board any Ship or Vessel employed in the said Fisheries shall expire during the Voyage of such Ship or Vessel, such Apprentice shall be accounted and considered, to all Intents and Purposes, as an Apprentice for the whole Voyage, and shall on the Ship's or Vessel's Return from the said Fishery be mustered accordingly.

XI. And

No Premium to be allowed unless a Log Book be regularly kept, and delivered to the Collector of the Customs at the Port of Arrival, verified on Oath.

XI. And be it further enacted by the Authority aforesaid, That no Premium granted by this Act shall be paid or allowed to any Person or Persons whatever, on Account of any Ship or Vessel employed in the said Fishery, unless a Log Book shall have been regularly kept on Board such Ship or Vessel, in which Log Book the various Situations and Occurrences, respecting such Ship or Vessel, during the whole Course of the Voyage, shall be inserted every Day, and particularly the Times when such Ship or Vessel shall have been in Sight of Land, distinguishing what Land, and the Bearings thereof, and the supposed Distances therefrom, and the Soundings; and also the Time when and the Latitude in which any Whale, or other Creature living in the Sea, shall have been killed, taken, or caught, by the Crew of such Ship or Vessel; which Log Book, so to be kept as aforesaid, shall be delivered by the Master, or other Person having or taking the Charge or Command of such Ship or Vessel, at the Time of his making a Report of such Ship or Vessel, to the Collector of the Customs at any Port in *Great Britain*, where such Ship or Vessel shall arrive, on her Return from the said Fishery, for his Inspection and Examination; and the said Master, or other Person having or taking the Charge or Command of such Ship or Vessel, together with the Mate thereof, shall jointly and severally verify on Oath the Contents of such Log Book before such Collector, who is hereby authorised and required to administer the same.

The Log Book to be produced to the Captain of any Ship of War that may be met at Sea, who shall make therein a Memorandum of the Production; and to the *British* Consul at any Foreign Port, for the like Purpose.

XII. And be it further enacted by the Authority aforesaid, That in case any such Ship or Vessel shall, in the Course of her Voyage, meet or fall in with any of His Majesty's Ships or Vessels of War, the Master, or other Person having or taking the Charge or Command of her, shall and is hereby required to produce to the Captain, or other Officer commanding such Ship or Vessel of War, the said Log Book, so to be kept as aforesaid; and such Captain or Commanding Officer shall, and is hereby required to make a Memorandum in such Log Book of the Day on which it was so produced to him, and shall subscribe his Name to such Memorandum, and shall also make an Entry in the Log Book of the said Ship or Vessel of War, of the Name and Description of the Ship or Vessel on Board of which the Log Book of such Ship or Vessel, so produced to and signed by him, was kept: And in case such Ship or Vessel, on Board of which a Log Book is required to be kept as aforesaid, shall put into any Foreign Port, where there is or shall be a *British* Consul, or other Chief *British* Officer, the Master or other Person having or taking the Charge or Command of such Ship or Vessel, shall and is hereby required to produce such Log Book to such *British* Consul, or other Chief *British* Officer, who shall and is hereby required also to make a Memorandum therein of the Day on which it was so produced to him, and shall, in like Manner, subscribe the same.

Oath to be made that the Cargo is the Produce of Creatures killed by the Ship's Crew.

XIII. And be it further enacted by the Authority aforesaid, That the Master, Mate, and two of the Mariners belonging to every such Ship or Vessel, unless by Reason of some unavoidable Accident, Proof whereof shall be made to the Satisfaction of the Officers of the Customs herein-after mentioned, two Mariners cannot be procured, and then the Master and Mate, shall, and are hereby required, upon the Importation into *Great Britain* of any Oil or Head Matter as being taken on the Fishery aforesaid, to declare upon Oath, before two or more of the principal Officers of the Customs at the Ports of their Arrival respectively, of which the Collector shall be one, (which Oath they are hereby authorised and required to administer), from what Port, and the Time when, such Ship or Vessel cleared out, and that all such Oil or Head Matter, so imported, is the Produce of one or more Whale or Whales, or other Creatures living in the Seas, actually and *bonâ fide* taken and killed by the Crew of such Ship or Vessel only, at the Times, and in the Latitudes respectively mentioned and set down in the Log Book, so to be kept as aforesaid.

Persons taking Part of the Cargo of other Vessels for the Purpose of obtaining a Premium, forfeit 500*l.* One Moiety to the Informer, if Information be given in a Month after Report at the Custom-house.

XIV. And be it further enacted by the Authority aforesaid, That in case the Master, or other Person having or taking the Charge or Command of any Ship or Vessel whatever, fitted out as aforesaid, for the Purpose of obtaining some one or other of the Premiums granted by this Act, shall knowingly receive or permit, or suffer to be received on Board such Ship or Vessel, for the Purpose of obtaining any one of the said Premiums, any Oil, Head Matter, or any other Produce whatever, of any Whale or Whales, or other Fish or Creatures living in the Seas, which Whale or Whales, or other Creatures living in the Seas, shall not have been really and *bonâ fide* caught and taken by the Crew of such Ship or Vessel only, such Master, or other Person having or taking the Charge or Command of such Ship or Vessel, shall forfeit the Sum of five hundred Pounds; One Moiety of which Sum shall, on Recovery thereof, be paid to the Person or Persons discovering the same, provided such Person or Persons shall give Information of the Offence within

within one Month after such Master, or other Person having or taking the Charge or Command of such Ship or Vessel, shall have reported his Ship or Vessel at the Custom-house at the Port to which such Ship or Vessel shall return from the said Fishery, which Master, or other Person having or taking the Charge or Command of such Ship or Vessel, is hereby required to make such Report in the usual Time, and in the Manner in which all trading Ships or Vessels are reported before the proper Officers of the Customs: And the Owner or Owners of such Ship or Vessel shall, and is and are hereby authorised and required, in case, at the Time such Information shall be given, any Sum or Sums of Money shall be due from him or them to such Master, or other Person having or taking the Charge or Command of such Ship or Vessel, to keep and detain such Sum or Sums of Money, and to pay the same (towards discharging the said Penalty) to the Collector or other principal Officer of the Customs at such Port to which such Ship or Vessel shall so return from such Fishery; and if such Owner or Owners shall pay any Sum or Sums of Money to, or shall otherwise account for, such Sum or Sums of Money with any Master, or other Person having or taking the Charge or Command of any such Ship or Vessel, before the Expiration of one Month after the Report shall have been so made at the Custom-house as aforesaid, and such Master or other Person shall be liable to the Penalty aforesaid, such Owner or Owners shall make good such Sum or Sums of Money so paid, or otherwise accounted for, and shall pay the same towards discharging the aforesaid Penalty into the Hands of the Collector, or other principal Officer of the Customs, in Manner before directed.

When Information has been given, Owners to pay Money due to Masters to the Collectors of the Customs; and if paid otherwise, to be accountable for the same.

XV. And be it further enacted by the Authority aforesaid, That in case any Whale or Whales, or other Creatures living in the Seas, shall be caught or taken in any Part of the Ocean, to the Northward of the Equator, by the Crew of any of the fifteen Ships or Vessels to which Premiums are given in Manner before-mentioned, or to the Northward of the thirty-sixth Degree of South Latitude, by the Crew of any of the five Ships or Vessels to which other Premiums are also given, in Manner before-mentioned, or in any Part of the *Atlantic Ocean*, by the Crew of the eight Ships or Vessels, going round or doubling *Cape Horn*, either on the Voyage out or Return home, of any such Ship or Vessel, the Oil or Head Matter produced from such Whale or Whales, or other Creatures so caught or taken, shall be accounted and considered, and taken to be Part of the Quantity of Oil and Head Matter, required to be taken and imported as aforesaid, to entitle the Owner or Owners of such Ship or Vessel to some one of the Premiums herein-before granted; provided it shall appear by the Log Book of such Ship or Vessel, so kept as aforesaid, that such Ship or Vessel hath actually sailed beyond, and been *bonâ fide* employed in the Fishery, either to the Southward of the Equator, or to the Southward of thirty-six Degrees of South Latitude, or during the Space of four Months to the Westward of *Cape Horn*, as the Case may be

Produce of Whales caught in particular Latitudes on the Voyage, to be deemed Part of the Quantity entitling to a Premium.

Commissioners of the Customs may order Payment of the Premiums.

XVI. And be it further enacted by the Authority aforesaid, That in case all and every the several Rules, Regulations, and Restrictions, prescribed and directed by this Act, shall have been observed and fully complied with, it shall and may be lawful for the Commissioners of His Majesty's Customs in *England*, or any four or more of them, and the Commissioners of His Majesty's Customs in *Scotland*, or any three or more of them, to order the Receiver General of His Majesty's Customs in *England* and *Scotland* respectively, to pay out of any Money in his Hands, arising by any Duties under their Management, to such Person or Persons as shall be legally entitled thereto, any of the Premiums herein-before granted.

No Premium to be paid unless claimed in a limited Time.

XVII. And be it further enacted by the Authority aforesaid, That no Premium granted by virtue of any Act or Acts of Parliament for the Encouragement of the Southern Whale Fishery, shall be paid or allowed to any Person or Persons whatever, for or on Account of any Ship or Vessel employed in the said Fishery, unless the Premium shall be claimed within two Months from the Time of the Crew being mustered inwards, by the proper Officer or Officers of the Customs, and such Claim shall be made in Writing, by Application from the Owner or Owners of every Ship or Vessel, to the Commissioners of His Majesty's Customs in *England* and *Scotland* respectively, and also, unless it shall, within one Month after such Time for making the Claim, be made appear, that the Requisites of Law have been complied with.

Ships permitted to sail to the East of *Good Hope*, &c.

XVIII. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for any Ship or Vessel, employed in carrying on the said Southern Whale Fishery, to sail and pass for that Purpose to the Eastward of the *Cape of Good Hope*, and to the Westward of *Cape Horn*, or through the *Streights of Magellan*, any Law, Usage, or Custom, to the contrary notwithstanding.

Restrictions in their Course.

XIX. Provided always, and be it further enacted, That any Ship or Vessel sailing to the Eastward of the *Cape of Good Hope*, for the Purpose aforesaid, shall not sail or pass to the Northward of the Equator, nor make more than fifty-one Degrees of East Longitude from *London*; and that any Ship or Vessel so sailing or passing to the Westward of *Cape Horn*, or through the *Streights of Magellan*, for the Purpose aforesaid, shall not, either to the Northward or Southward of the Equator, make more than one hundred and eighty Degrees of West Longitude from *London*.

Ships sailing to the East of *Good Hope*, &c. to take a Licence from the *India* Company.

Conditions on which such Licences are to be granted.

XX. Provided also, and be it further enacted, That every Ship or Vessel employed in the said Fishery, and intending to sail or pass to the Eastward of the *Cape of Good Hope*, or to the Westward of *Cape Horn*, or through the *Streights of Magellan*, shall, before she shall proceed on her Voyage, be obliged to take a Licence for each respective Voyage, from the Court of Directors of the United Company of Merchants of *England* trading to the *East-Indies*, for the Time being, in the Name and under the Seal of the said Company, specifying which of the said Voyages such Ships shall be licensed to perform, and such Licence shall be valid and effectual only for the Voyage therein expressed; and the said Court of Directors shall not be required to grant any Licence to pass to the Eastward of the *Cape of Good Hope*, to more than ten Ships or Vessels in any one Year or Season, or to grant any Licence to any Ship or Vessel to sail or pass to the Eastward of the *Cape of Good Hope*, unless the Person or Persons applying for, or demanding such Licence, shall deliver to the said Court of Directors a Manifest or Certificate, under the Hand of the Collector or Comptroller, or other Chief Officer of the Customs belonging to the Port or Place from whence such Ship or Vessel is intended to clear out and sail, verified by the Oath of the Owner or Owners, or the Master of such Ship or Vessel, taken before and attested by any Magistrate, or other Person authorized by Law to take Affidavits, specifying the Names and Places of Abode of the Owner or Owners, and Master of the said Ship, and also the Species, Quantity, Quality, and Value of all Goods then on Board of such Ship or Vessel, and of all Goods (if any) intended to be afterwards taken into, or on Board of the same, before her Departure outwards; and also unless it shall, by such Manifest or Certificate, appear unto the said Court of Directors, that no Goods or Merchandizes whatever (save and except the Stores of such Ship or Vessel, and the Tackle, Materials, and other Things necessary for the Purpose of the Voyage) are taken, or intended to be taken into or on Board of such Ship or Vessel.

India Company not obliged to grant Licence to sail round the *Cape of Good Hope* unless Bond be given with certain Conditions.

XXI. Provided also, and be it further enacted by the Authority aforesaid, That the United Company of Merchants of *England* trading to the *East-Indies*, shall not be required or obliged to grant any Licence, for any Ship or Vessel to sail to or pass within the Limits of their exclusive Trade round the *Cape of Good Hope*, until the Owner or Owners of such Ship or Vessel, or the major Part of such Owners, if there shall be more than one Owner, shall have entered into and executed a Bond to the said United Company in the Penalty of two thousand Pounds, with a Condition to be thereunder written for Payment to the said United Company, of the Sum of one thousand Pounds, as a Forfeiture to the Use of the said United Company, over and above the Forfeitures and Penalties herein-mentioned, in case any Goods or Merchandizes whatsoever (other than and except the Stores of such Ship or Vessel, and the Tackle, Materials, and other Things, necessary for the Purpose of the Voyage) shall be taken into or put on Board such Ship or Vessel for or upon her Outward Voyage; or in case such Ship or Vessel shall have taken on Board, in any Part of the Voyage homeward, before her Arrival in *Great Britain*, any Goods or Merchandize of the Growth, Produce, or Manufacture of the *East-Indies*, or any Islands, Ports, Havens, Coasts, Cities, Towns, or Places, between the *Cape of Good Hope* and the *Streights of Magellan*, to the Value of one hundred Pounds or upwards, computing the same according to the Value in *England*, except such Provisions, Stores, or Clothing, as it may at any Time during the Voyage have become necessary for the said Ship's Crew to take on Board for the sole Use of the said Crew.

Ships sailing out of their Limits, or having improper Merchandize on Board, liable to the Penalties of trading to the *East-Indies* without Licence.

XXII. And be it further enacted, That if any Ship or Vessel to be employed in the said Southern Whale Fishery, to the Eastward of the *Cape of Good Hope*, or the Westward of *Cape Horn*, shall proceed or go beyond the Limits herein-before specified or expressed, unless driven or forced beyond the same by Stress of Weather, or other inevitable Accident, or being so driven or forced, shall not return back within the Limits herein-before prescribed, with as much convenient Speed as the Safety of the Ship or other Circumstances will admit; or if any Ship or Vessel shall depart from any Port or Place without having first obtained such Licence as aforesaid, and shall go or be found beyond the *Cape of Good Hope*, or beyond the *Streights of Magellan*, or

or in any other Place within the Limits of the said Company's exclusive Trade; or if any Ship or Vessel, being so licensed to proceed to the Fishery beyond the *Cape of Good Hope*, shall have on Board, or shall take on Board before her Return, any Manufactures, Goods, or Merchandize, other than and except such as shall have been specified and described in and by such Manifest or Certificate, and other than and except the Oil, Head Matter, or Bone of Whales, or other Fish or Creatures caught or taken in carrying on the said Fishery; every such Ship or Vessel, and the Goods, Merchandizes, and Effects, on Board the same, and the Owner and Owners, Master and Crew thereof, shall be deemed and taken, to all Intents and Purposes, to be subject to the several Provisions, Regulations, Penalties, and Forfeitures, by any Act or Acts, made or imposed upon any Person or Persons, or their Ships, Vessels, Goods, Merchandizes, and Effects, who shall repair, sail, adventure, or go to, or traffick, trade, or be found in the *East-Indies*, or other Place or Places within the Limits of the said United Company's exclusive Trade, without Licence having been first obtained from the said Company; and the Offenders shall and may be sued and prosecuted, and the Penalties and Forfeitures incurred shall and may be recovered, in any Court of Justice in *Great Britain* or in the *East-Indies*, wherein Suits may be instituted and brought for Offences committed against the said Acts, or any of them.

If any Thing be done contrary to this Act, the Owners of the Ship not entitled to a future Licence from the Company.

XXIII. And be it further enacted by the Authority aforesaid, That in case any Thing shall be done by any Ship or Vessel licensed as aforesaid, or by the Owner or Owners, Master or Crew thereof, in any Way respecting the Rights and Privileges of the said United Company, contrary to the true Intent and Meaning of this Act, the Owner or Owners of the said Ship or Vessel shall not afterwards be entitled to require, nor shall the said United Company be obliged to grant or give to them, or any of them, any future Licence for the same, or for any other Ship or Vessel, to proceed within the Limits of the said Company's exclusive Trade.

Ships touching at *St. Helena* may be examined, and unlicenced Goods seized.

XXIV. And be it further enacted, That in case any Ship or Vessel, to be licensed by the said United Company as aforesaid, shall touch at the Island of *Saint Helena*, or shall be found within the Limits before described, it shall and may be lawful to and for the Governor of *Saint Helena*, the Commander of any Ship or Vessel belonging to or in the Service of the said Company, or any Person authorized or deputed by them respectively, or to and for any Agent specially authorized or deputed for that Purpose by the said Company, and residing at any Place within the Limits before described, to search and examine such licensed Ship or Vessel, to see if any Goods or Merchandizes shall be on Board her contrary to the Provisions of this Act; and in case any such Goods or Merchandizes shall be found in or on Board of such Ship or Vessel on such Search or Examination, the same shall be forfeited to the said United Company, and the Owner or Owners, and Master, of the said Ship or Vessel, shall be liable to all other Penalties and Forfeitures for trading contrary to the said Company's Charters, and it shall and may be lawful to and for the said United Company, and the Persons aforesaid, on the Behalf and for the Use of the said Company, to seize and take away such Goods and Merchandizes to and for the Use of the said United Company, and to send them Home to the said United Company, or to sell and dispose thereof to the Use of the said Company, as they shall think fit.

Certificates to be delivered to the Secretary of the *East-India* Company, that no Produce of the *East-Indies* has been imported, to entitle to a Premium.

XXV. And be it further enacted by the Authority aforesaid, That within thirty Days next after the Return of any Ship or Vessel from a Fishing Voyage to the Eastward of the *Cape of Good Hope*, the Master of such Ship or Vessel shall deliver, or cause to be delivered, to the Secretary of the said United Company, for the Use of the said Court of Directors, a Certificate under the Hand of the Collector or Comptroller, or other Chief Officer of the Customs, belonging to the Port or Place where the said Ship or Vessel shall arrive, verified by the Oath of the said Master, taken before and attested by any Magistrate or other Person authorised by Law to take Affidavits, that no Goods or Merchandizes whatever, of the Growth, Produce, or Manufacture of any Place or Places in the *East-Indies*, *China*, or elsewhere between the *Cape of Good Hope* and the *Streights of Magellan*, except Oil, Head Matter, or Bone of Whales or other Fish, Ambergris, or Seal Skins, have been taken on Board such Ship or Vessel during the said Voyage; but in case any such Goods and Merchandizes shall have been taken on Board the said Ship or Vessel during the said Voyage, then the said Certificate shall specify the Species, Quantity, Quality, and Value, of all such Goods and Merchandizes, and the Cause or Reason of taking the same on Board; and the Owner or Owners of such Ship or Vessel shall not be entitled to any Bounty under the Authority of this Act, until such Certificate as aforesaid shall have been delivered to the said Secretary, and such Delivery shall have been proved by a Production of his Receipt for the same.

XXVI. Pro-

Ships sailing within the Limits of the *South Sea* Company, must have Licence from the Company.

XXVI. Provided always, and be it enacted by the Authority aforesaid, That every Ship or Vessel intending to navigate within, or frequent any Part of the Seas comprized in the Boundaries of the exclusive Trade of the *South Sea* Company, as described in and by an Act of the ninth of Her late Majesty Queen *Anne*, shall, before she shall proceed on every such Voyage, be obliged to take a Licence for such Voyage from the Governor and Company of Merchants of *Great Britain*, trading to the *South Seas*, and other Parts of *America*, and for encouraging the Fishery; and every Vessel navigating such Seas, without such Licence, shall be liable to such Forfeitures and Penalties as are created and enacted by the said Act; any Thing in this Act to the contrary thereof in anywise notwithstanding.

Ships may be furnished with Arms and Ammunition on Licence from the Admiralty.

XXVII. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Ships or Vessels which shall be so fitted and cleared out as aforesaid, for the Purpose of doubling the *Cape of Good Hope* or *Cape Horn*, or passing through the *Streights of Magellan*, not being of less than two hundred Tons Burthen, to be properly furnished with Arms and Ammunition, for Resistance and Defence; provided the Owner or Owners of such Ships or Vessels, before clearing out, shall obtain a Licence from the Lord High Admiral of *Great Britain*, or the Commissioners for executing the Office of Lord High Admiral for the Time being, authorising the same.

Admiralty may grant such Licences on certain Conditions.

XXVIII. And be it further enacted by the Authority aforesaid, That the Lord High Admiral of *Great Britain*, or the Commissioners for executing the Office of Lord High Admiral for the Time being, is and are hereby authorised and empowered to grant such Licence for arming, in such Cases as to him or them shall seem fit and proper; provided that there shall have been exhibited to him or them a Certificate under the Hands and Seals of the Commissioners of His Majesty's Customs, (which Certificate they are hereby authorised and required to give), testifying that such Ship or Vessel is entered out for the Purpose of doubling the *Cape of Good Hope* or *Cape Horn*, or passing through the *Streights of Magellan*; and provided also, that the Owner or Owners of such Ship or Vessel shall have entered into a Bond, with two sufficient Sureties, in the Sum of one thousand Pounds, with Condition that such Arms and Ammunition shall not be used for any unlawful Purpose, but merely for Resistance and Defence in Cases of involuntary Hostility.

No Ship entitled to more than one Premium the same Season.

XXIX. And be it further enacted by the Authority aforesaid, That no Ship or Vessel whatever shall be entitled, within or during the Periods of Time respectively limited by this Act for such Ship or Vessel to sail on and to return from such Voyage, to more than one of the Premiums hereby granted, although such Ship or Vessel shall make two Voyages within any one of the Periods aforesaid.

No Premium to be allowed to Vessels cleared out after *Jan.* 1, 1796, unless certified to have been visited on clearing out, &c.;

XXX. And be it further enacted by the Authority aforesaid, That no Premium whatever, granted by this Act, shall be paid and allowed to the Owner or Owners of any Ship or Vessel which shall clear out after the first Day of *January* in the Year one thousand seven hundred and ninety-six on the said Fishery, unless it shall appear, by Certificates from the proper Officers of the Customs, that such Ship or Vessel was visited, and the Crew by them respectively mustered, as well before the clearing out of such Ship or Vessel for the said Fishery, as on her Return to any Port in *Great Britain*; any Law, Usage, or Custom, to the contrary notwithstanding.

nor unless registered.

XXXI. And be it further enacted by the Authority aforesaid, That no Ship or Vessel which, after the first Day of *January* one thousand seven hundred and ninety-six, shall be fitted or cleared out for the said Fishery, shall be entitled to any of the Premiums granted by this Act, unless such Ship or Vessel shall have been duly registered pursuant to the Terms and Directions of an Act, passed in the twenty-sixth Year of His present Majesty's Reign, intituled, *An Act for the further Increase and Encouragement of Shipping and Navigation.*

If Water be mixed with the Oil, &c. imported, it shall be forfeited, as well as the Claim to Premium.

XXXII. And be it further enacted by the Authority aforesaid, That upon the Return of every Ship or Vessel from the Fisheries aforesaid, in which Ship or Vessel any Oil or Head Matter shall be imported, and on Account of which Importation any of the Premiums hereinbefore granted shall be claimed or demanded, in case there shall be any Reason to suspect that such Oil or Head Matter is mixed with Water, or any other Material or Materials, in order to increase the Quantity thereof, it shall and may be lawful to and for the Collector, or other Principal Officer or Officers of the Customs, at the Port to which such Ship or Vessel shall so return,

to nominate and appoint, and such Collector, or other principal Officer or Officers, is and are hereby required to nominate and appoint one or more (as the Case may require) skilful Person or Persons to examine such Oil or Head Matter, for the Purpose of ascertaining whether such Oil or Head Matter has been mixed with any Water, or any other Material or Materials whatever, (other than Oil or Head Matter so taken as aforesaid), whereby the Quantity of such Oil or Head Matter is increased; and if it shall appear, upon such Examination, that there has been mixed with such Oil or Head Matter any Water, or any other Material whatever, whereby the Quantity of such Oil or Head Matter is increased, the Owner or Owners shall not be entitled to any of the Premiums granted by this Act; and over and above the Loss of the Premium, such Oil or Head Matter, so mixed as aforesaid, shall be forfeited and lost, and shall and may be seized by any Officer or Officers of His Majesty's Customs; and if any Dispute shall arise whether there hath been mixed with such Oil or Head Matter any Water, or any other Material or Materials whatever, not being Oil or Head Matter so taken as aforesaid, whereby the Quantity of such Oil or Head Matter is increased, then, and in such Case, the Proof thereof shall lie on the Owner or Claimer of such Oil or Head Matter, or on the Person or Persons claiming the Premium on account of the Importation of such Oil or Head Matter, and not on the Officer who shall seize or prosecute the same.

In case of Dispute the Owner to prove the Purity of the Oil.

The Quantity of Oil, &c. imported to be ascertained by the Officers of the Customs, and certified to the Commissioners.

XXXIII. And be it further enacted by the Authority aforesaid, That before any of the Premiums granted by this Act shall be paid or allowed to any Person or Persons whatever, the exact Quantity of Oil and Head Matter taken together, imported in such Ship or Vessel, shall be truly ascertained by the proper Officer or Officers of the Customs, and such Quantity shall be certified by them to the Commissioners of the Customs in *England* and *Scotland* respectively.

No Harpooner, &c. to be impressed.

XXXIV. And be it further enacted by the Authority aforesaid, That no Harpooner, Line Manager, or Boat Steerer, belonging to any Ship or Vessel, fitted out on the aforesaid Fishery, shall be impressed from the said Service, but shall be, and is hereby privileged and exempt from being impressed, so long as he shall belong to and be employed on Board any Ship or Vessel whatever in the Fishery aforesaid.

Whale Boats not liable to Seizure on Account of Built, if used only in the Fishery.

XXXV. And be it further enacted, That no Boat used as and commonly called *a Whale Boat*, belonging to any Ship or Vessel employed in the said Fishery, shall be liable to Seizure for or on Account of her Built, Dimensions, or Construction, provided, on the Return of such Ship or Vessel from the Fishery, such Boat shall be laid up by the Owner thereof, in such Place or Places as shall be approved of by the principal Officer of His Majesty's Customs of the Port at which such Ship or Vessel shall arrive, and shall not be employed or made use of in any Way whatever but in the said Fishery.

Forty Foreigners, with their Families, who have carried on the Whale Fishery, coming to *Milford*, by *Dec.* 31, 1798, to reside in the Kingdom, and bringing not more than 20 Vessels, built before *Jan.* 1, 1795, may be permitted to import Oil, &c. on certain Conditions:

XXXVI. And be it further enacted, That if any Person or Persons, not exceeding forty Families, not being Subject or Subjects of His Majesty, who has or have been heretofore employed in carrying on the said Whale Fishery, and being the Owner or Owners of any Ship or Vessel, and intending to reside together with his or their Families (not exceeding forty Families in the Whole) in this Kingdom, for the Purpose of continuing to carry on such Fishery from thence, shall, on or before the thirty-first Day of *December* one thousand seven hundred and ninety-eight, come to the Port of *Milford*, in the County of *Pembroke*, with his or their Family or Families, and shall bring any Ship or Vessel, or any Number of Ships or Vessels, not exceeding twenty in the Whole, to the said Port of *Milford*, built before the first Day of *January* one thousand seven hundred and ninety-five, and manned severally with any Number of Seamen or Fishermen, not less than twelve in Number, having been heretofore employed in carrying on the said Fishery; and it shall be made appear to the Satisfaction of the Commissioners of His Majesty's Customs, or any four of them, by the Oath (or Affirmations of the People called *Quakers*) of such Owners respectively (which Oath or Affirmations the said Commissioners, or the principal Officers in the new Port of *Milford*, or any two of them, the Collector being one, are hereby respectively authorised and empowered to administer), and by other Means, that he or they have been so employed in carrying on the said Fishery for three Years previous to his or their Arrival; and that he or they, together with his or their Family, (if any they shall have), are then actually resident in this Kingdom; and that twelve such Seamen, or Fishermen, at the least, are brought into *Great Britain* in every such Ship; and the same shall be certified by the said Commissioners to His Majesty; it shall and may be lawful for His Majesty, His Heirs, and Successors, by and with the Advice of His Privy Council, to allow the Cargoes of Oil or Head Matter, and Fins, or

other Parts of Animals frequenting the Sea, imported in any such Ships or Vessels, not exceeding twenty in the Whole, which shall arive from a Fishing Voyage to be admitted to Entry on Payment of the same Duty as Oil, Head Matter, and Fins of *British* Fishing, and to allow any Goods, Furniture, and Stock, which shall be necessary to their Whaling Outfit, and which shall be Part of the Property of the said Owner or Owners imported in any such Ships or Vessels, and arriving from the late Residence of the said Owners, to be admitted to an Entry without Payment of any Duty whatsoever; any Law, Custom, or Usage, to the contrary notwithstanding: Provided always, that the Owner or Owners of such Ship or Vessel as shall be allowed to enter a Cargo on the *British* instead of the Foreign Duty, shall give Bond to the Commissioners of the Customs to the full Amount of the Difference between the two Duties, that he or they will reside during three Years in *Great Britain*, and will not absent himself or themselves from the Kingdom during that Term without Leave of His Majesty, by and with the Advice of His Privy Council, except on the Prosecution of a Fishing Voyage from and to this Kingdom.

Such Ships fitted out from *Milford* for a Whaling Voyage, may be registered as British ones, on the Owners taking the Oath of Allegiance.

XXXVII. And be it further enacted, That if any Person or Persons, not being a Subject or Subjects of His Majesty, and being the Owner or Owners of any Ship or Vessel so admitted to Entry as aforesaid, shall fit out the said Ship or Vessel for a Whaling Voyage from the Port of *Milford*, in the County of *Pembroke*, and shall go before some Justice of the Peace for the said County of *Pembroke*, or before the principal Officer of His Majesty's Customs in the new Port of *Milford*, and shall take the Oath of Allegiance to His Majesty, and shall obtain a Certificate of his having taken such Oath, which Oath and Certificate such Justice of the Peace, and Officer of the Customs respectively, are hereby authorised and required to administer and give, on Payment of no greater Fee than two Shillings, it shall and may be lawful for His Majesty, by and with the Advice of His Privy Council, to order such Ship or Vessel to be registered, and to have a Certificate of Registry in the same Manner as any *British* Ship or Vessel; and every such Ship or Vessel shall, during the Time that such Owner or Owners shall continue to have his or their Residence, together with his or their Family or Families, within this Kingdom, or during the Time that such Ship or Vessel shall be owned by any natural-born Subject or Subjects of this Kingdom, and shall be duly registered, enjoy all the Privileges and Advantages, and be entitled to all the Bounties and Premiums, granted to any *British* Ship or Vessel employed in the Whale Fishery, subject nevertheless to the same Rules, Regulations, Restrictions, Penalties, and Forfeitures; and every such Person and Persons shall have and enjoy the Rights, Privileges, and Advantages, of natural-born Subjects of *Great Britain*, in like Manner, and subject to the like Disabilities, as the same may be granted to Aliens by a special Act of Parliament; Provided always, that such Owner or Owners, not being a Subject or Subjects of His Majesty, shall prove in the Manner directed in an Act, passed in the twenty-sixth Year of His present Majesty's Reign, intituled, *An Act for the further Increase and Encouragement of Shipping and Navigation*, by taking the Oath, or making, if a Quaker, the Declaration herein-after mentioned, instead of the Oath required by the said Act, that he or they is or are sole Owner or Owners of such Ship or Vessel; and shall also conform to all the other Regulations respecting Registry contained in the said last-mentioned Act.

Such Owners to make Oath as to their sole Property in Vessels.

Oath to be in the following Form.

XXXVIII. And be it further enacted, That the said Oath or Declaration, before directed to be taken by the Owner or Owners, Proprietor or Proprietors, of any such Ship or Vessel, shall be in the Form and Manner following, as far as the same is applicable to each or either of them:

'I *A. B.* of [*Place of Residence and Occupation*], do make Oath [*or* do declare] that the Ship or Vessel [*Name*] of [*Port or Place*] whereof [*Master's Name*] is at present Master, being [*Kind of Built, Burthen*, et cetera, *as described in the Certificate of the Surveying Officer*], was [*when and where built, and when and where it came into this Kingdom*]; and that I the said *A. B.* [*or the other Owners Names, and Occupations, if any, and where they respectively reside*, videlicet, *Town, Place, Parish, and County, or if Member of and Resident in any Factory in Foreign Parts, or in any Foreign Town or City, being an Agent for a Partner in any House or Copartnership, actually carrying on Trade in* Great Britain *or* Ireland, *the Name of such Factory, Foreign Town, or City, and the Names of such House or Copartnership*], am [*or* are] sole Owner [*or* Owners] of the said Vessel, and that no other Person or Persons whatever hath or have any Right, Title, Interest, Share, or Property, therein or thereto, and [*if a* British *Subject*], that I the said *A. B.* [*and the said other Owners, if any*], am or was [*or* are or were] truly and *bona fide* a Subject [*or* Subjects] of *Great Britain*; and that I the said *A. B.* have not [nor have

have any of the other Owners, to the best of my Knowledge and Belief] taken the Oath of Allegiance to any Foreign State whatever, [*except under the Terms of some Capitulation, describing the Particulars thereof*]; or that, since my taking [*or* his or their taking] the Oath of Allegiance to [*naming the Foreign States respectively to which he or any of the said Owners shall have been Subject or Subjects*], and prior to the passing of an Act, in the twenty-sixth Year of the Reign of King *George* the Third, intituled, *An Act for the further Increase and Encouragement of Shipping and Navigation*, I have [*or* he or they hath or have] become a Subject [*or* Subjects] of *Great Britain*, [*either by His Majesty's Letters Patent, as a Denizen or Denizens, or naturalized by Act of Parliament, as the Case may be, naming the Dates of the Letters of Denization, or the Act or Acts of Parliament for Naturalization respectively*]; or [*as the Case may be*] I have [*or* he or they hath or have] become a Denizen [*or* Denizens, *or* naturalized Subject or Subjects, *as the Case may be*] of *Great Britain*, by His Majesty's Letters Patent, or by an Act of Parliament passed since the first Day of *January* one thousand seven hundred and eighty-six, [*naming the Times when such Letters of Denization have been granted respectively, or the Year or Years in which such Act or Acts of Naturalization have passed respectively*], or [*if not a* British *Subject*] that I *A. B.* and the other Owners, if any, being a Subject or Subjects of some Foreign State, [*specifying the State*], have come into and am [*or* are] now resident in this Kingdom, [*describing the Particulars thereof as to the Place and Date*], and intend to reside therein, and have taken the Oath, or, being a Quaker, have made a Declaration, of Fidelity and Allegiance to His Majesty the King of *Great Britain*, [*describing the Times when, the Place where, and before whom taken*], and that no Foreigner, not having complied with the Conditions above-mentioned, directly or indirectly, hath any Share, or Part, or Interest, in the said Ship or Vessel.'

Persons granting or using false Certificates, or counterfeiting Certificates, forfeit 500*l.*

XXXIX. And be it further enacted by the Authority aforesaid, That if any Person or Persons whatever shall knowingly give or grant any false Certificate or Certificates, for any of the Purposes required or directed by this Act, such Person or Persons shall forfeit the Sum of five hundred Pounds, and be rendered incapable of serving His Majesty, His Heirs, or Successors, in any Office whatever: And if any Person or Persons shall counterfeit, erase, alter, or falsify, any Certificate or Certificates required by this Act, or shall knowingly or willingly make use of any false Certificate or Certificates, or of any Certificate or Certificates so counterfeited, erased, altered, or falsified, such Person or Persons shall, for every such Offence, forfeit the Sum of five hundred Pounds; and every such Certificate or Certificates shall be invalid and of no Effect.

How Penalties are to be appropriated.

XL. And be it further enacted by the Authority aforesaid, That one Moiety of the Penalties and Forfeitures inflicted by this Act (except in such Cases where other Directions are given by this Act) shall be to the Use of His Majesty, His Heirs, and Successors, and the other Moiety to such Officer or Officers of the Customs as shall sue or prosecute for the same in any of His Majesty's Courts of Record at *Westminster*, or in the Court of Exchequer in *Scotland* respectively, where the Offence shall be committed.

General Issue.

Treble Costs.

XLI. And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons whatever, for any Thing done in pursuance of this Act, the Defendant or Defendants, in such Action or Suit, may plead the General Issue, and give this Act, and the special Matter, in Evidence at any Trial to be had thereupon, and that the same was done in pursuance of and by the Authority of this Act: And if it shall appear so to have been done, the Jury shall find for the Defendant or Defendants; and if the Plaintiff shall be nonsuited, or shall discontinue his Action, after the Defendant or Defendants hath or have appeared; or if Judgment shall be given upon any Verdict or Demurrer against the Plaintiff, the Defendant or Defendants shall recover Treble Costs, and have the like Remedy for the same as Defendants have in other Cases by Law.

36 GEORGII III. Cap. XL.

An Act to continue several Laws relating to the giving further Encouragement to the Importation of Naval Stores from the British *Colonies in* America; *to the Encouragement of the Silk Manufactures; and for taking off several Duties on Merchandize exported, and reducing other Duties; to the preventing the clandestine Running of Goods, and the Danger of Infection thereby; to the encouraging the Growth of Coffee in His Majesty's Plantations in* America; *to the Free Importation of Cochineal and Indigo; to the granting a Bounty on certain Species of* British *and* Irish *Linens exported, and taking off the Duties on the Importation of Foreign Raw Linen Yarns, made of Flax; to the importing Salt from* Europe *into the Province of* Quebec *in* America; *to the encouraging the Manufacture of Leather, by lowering the Duty payable upon the Importation of Oak Bark, when the Price of such Bark shall exceed a certain Rate; to the more effectual Encouragement of the Manufactures of Flax and Cotton in* Great-Britain; *to the allowing the Importation of Rape Seed, and other Seeds used for extracting Oil, whenever the Prices of Middling* British *Rape Seed shall be above a certain Limit; to the allowing a Drawback of the Duties on Rum shipped as Stores, to be consumed on Board Merchant Ships in their Voyages; to the clandestine Running of uncustomed Goods, and preventing Frauds relating to the Customs; to the further Punishment of Persons going armed or disguised, in Defiance of the Laws of Customs or Excise; to the Free Importation of certain Raw Hides and Skins from* Ireland, *and the* British *Plantations in* America; *and to the Duties on Spirits made in* Scotland *and imported into England.* [24th *March*, 1796.]

[So much thereof as relates to the East-India Company.]

So much of 5 *Geo.* I, Cap. 11, against clandestine Running of uncustomed Goods, as has been continued by subsequent Acts, to *Sep.* 29, 1795, further continued to *Sep.* 29, 1802, *&c.*

XII. AND be it further enacted by the Authority aforesaid, That the several Clauses in an Act, made in the Fifth Year of the Reign of His Majesty King *George* the First, intituled, *An Act against clandestine Running of uncustomed Goods, and for the more effectual preventing of Frauds relating to the Customs*, relating to such Foreign Goods, Wares, and Merchandizes, as shall be taken in at Sea, out of any Ship or Vessel, in order to be landed, or put into any other Ship or Vessel, or Boat; and also relating to Goods not reported, and found after clearing Ships; and whereby further Remedies are provided against re-landing Goods prohibited to be worn in this Kingdom, and Foreign Goods shipped out for parts beyond the Seas, and relating to the opening or altering the Package of Goods on Board of Ships outward bound, and also relating to Hovering Ships or Vessels of the Burthen of Fifty Tons or under, and also concerning the Bales or Package in which Coffee shall be exported, and also relating to Rum imported in Casks or Vessels not containing Twenty Gallons at the least, and also relating to Certificate Goods entered in order to be exported to *Ireland*, which were to have Continuance for the Term of Three Years from the several Times of the Commencement thereof, and from thence to the End of the then next Session of Parliament respectively, and which, by several subsequent Acts, passed in the Ninth Year of His said Majesty's Reign, and in the Second, Eighth, Thirteenth, Sixteenth, Twentieth, Twenty-seventh, and Thirty-third Years of the Reign of His late Majesty King *George* the Second, and in the Seventh, Fourteenth, Twenty-first, and Twenty-eigth Years of the Reign of His present Majesty, were further continued from the Expiration thereof, until the Twenty-ninth Day of *September*, One thousand, seven hundred and ninety-five, and from thence to the End of the then next Session of Parliament, shall be, and the same are hereby further continued until the Twenty-ninth Day of *September* One thousand eight hundred and two, and from thence to the End of the then next Session of Parliament.

36 GEORGE III. Cap. CXIX.

An Act to enable the United Company of Merchants of England *trading to the* East Indies, *to purchase certain Houses and Grounds contiguous to the* East-India *House, and to widen the North End of* Lime Street. [18th *May* 1796.]

Preamble.

WHEREAS the United Company of Merchants of England trading to the East Indies are the Owners and Proprietors in Fee Simple of a certain Edifice called the *East India House*, and of divers Offices and Warehouses thereunto adjoining, situate in *Leadenhall Street* in the City of *London*, and extending in the back Part thereof to the West Side of *Lime Street* in the said City; in which House, besides other valuable Property, the said United Company keep all their Records, Books, Papers, and Writings, of great Consequence to the Public as well as to the said United Company: And whereas the Houses contiguous to the *East-India* House on the East Side thereof, are very hazardous Buildings with respect to Fire: And whereas the Business of the said United Company requires an Extension of the Buildings belonging to the said House called *the India House*: And whereas the North End of *Lime Street*, opposite to the said Houses, is very narrow and inconvenient to the Public, and the said United Company are desirous to widen the same, so as to make it of the Width of twenty-two Feet from the Entrance thereof up to a Building in *Lime Street*, belonging to the said United Company now used as a Shipping Office for private Trade, and other Offices over the same: And whereas for the making of safe and convenient additional Buildings to the said House called *the India House*, and for widening the North End of *Lime Street* as aforesaid, it is expedient that the said United Company should be possessed of all the Ground and Buildings in *Leadenhall Street* Eastward, up to *Lime Street*, and also of the Buildings in *Lime Street*, from the North-west Corner thereof, up to the said Buildings in *Lime Street*, belonging to the said United Company; and, for the Purposes aforesaid, the said United Company have purchased all the said Ground, Houses, and Buildings, except the three several Messuages or Tenements hereinafter mentioned; to wit, a Messuage or Tenement in *Leadenhall Street* belonging to *John Goldsborough Ravenshaw*, Esquire, and *Elizabeth* his Wife; which Premises are in Settlement upon their Family, and are also subject with other Estates to an Annual Payment of forty-five Pounds for Charitable Purposes; a Messuage or Tenement in *Lime Street* heretofore devised by the Will of *Thomas Rich* deceased, to Trustees, to pay the Rents and Profits thereof to the Parson and Churchwardens of the Parish of *Saint Andrew Undershaft* in the City of *London*, for sundry charitable Purposes; and another Messuage or Tenement in *Lime Street* aforesaid, belonging to the Governors of *Christ's Hospital* in *London*, for the Purposes of that Charity: And whereas the said United Company have contracted and agreed for the Purchase of the said Three Messuages or Tenements and Premises, at and for the several Rates and Prices herein-after mentioned; to wit, the said Messuage or Tenement belonging to the said *John Goldsborough Ravenshaw* and his Wife, at and for the Price or Sum of two thousand three hundred Pounds, free from the said Charity Payment chargeable thereon, and all other Incumbrances; the said Messuage or Tenement in *Lime Street* belonging as aforesaid to the said Parson and Churchwardens of *Saint Andrew Undershaft*, at and for so much three Pounds *per Centum* Bank Annuities as will produce an Income of twenty Pounds a Year; and the said Messuage or Tenement in *Lime Street* belonging to the Governors of *Christ's Hospital* for the Sum of one thousand Pounds Consolidated three Pounds *per Centum* Bank Annuities: But by reason of the said Settlement, and the said Charitable Uses and Trusts, the said United Company cannot complete such Purchases, and get good Titles to the Premises, without the Aid and Authority of Parliament; May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, from and immediately after the passing of this Act, it shall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Trustees, and Feoffees in Trust or for Charities, Guardians and Committees for Lunatics and Ideots, Executors, Administrators, and Guardians whatsoever, not only for or on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their *Cestuique* Trusts, whether Infants or Issue unborn, Persons entitled in Remainder, Lunatics, Ideots, Femes Covert, or other Persons whatsoever, to sell and convey the said Messuage or Tenement in *Leadenhall Street* belonging to the said *John Goldsborough Ravenshaw*

Power for Bodies Politic, *&c.* to agree for Sales.

shire and his Wife, the said Messuage or Tenement belonging as aforesaid to the Parson and Churchwardens of *Saint Andrew Undershaft*, and the said Messuage or Tenement in *Lime Street* belonging to the Governors of *Christ's Hospital*, and all Rents issuing out of the same Premises respectively, with their and every of their Hereditaments, Rights, Members, and Appurtenances, and all Estates and Interests therein, unto and to the Use of the said United Company, their Successors and Assigns, by Indenture, expressing the Consideration or Considerations *bonâ fide* paid for the Premises to be therein comprised, and to whom or in what Manner the same shall be paid; and that such Indenture, being enrolled in the Court of Hustings of the said City of *London*, within six Months from the Date and Execution thereof, shall have the same Force as Fines and Recoveries duly levied and suffered, and shall vest the Messuages, Houses, Buildings, Ground, Tenements, and Hereditaments therein comprised, for such Estate or Estates as shall be therein expressed to be conveyed, in the said United Company, their Successors and Assigns, as effectually as if the Person or Persons making such Conveyance had been seized or possessed of the Premises conveyed for the Estate or Estates thereby expressed to be conveyed.

Persons entitled to Premises for charitable Purposes, authorised to convey, where Trustees cannot be found.

II. And whereas in the Year one thousand six hundred and seventy-two, the said Messuage or Tenement in *Lime Street*, the Rents and Profits whereof are payable, and from that Time have been paid to the Parson and Churchwardens of the said Parish of *Saint Andrew Undershaft*, were devised to and vested in sundry Persons, Inhabitants of the said Parish, for the Purposes of the said Trusts, and upon their Deaths other Trustees were to have been chosen and appointed by the Parson, Churchwardens, and Vestrymen of the said Parish, but no new Trustees have since been appointed; and it will now be impossible, in consequence of the great Length of Time which hath elapsed since the said Devise to discover the Person or Persons in whom the legal Estate of the said Premises may now be vested so as to obtain a Conveyance thereof; be it therefore further enacted, That the Parson and Churchwardens for the Time being of the said Parish of *Saint Andrew Undershaft*, and who shall be in Receipt of the Rents and Profits of the Premises settled for the Use of such Charity, shall and may contract for, sell, and convey such Houses, Buildings, Ground, and Hereditaments, in the same Manner as if they were or was actually seised of the legal Estate of the said Messuage or Tenement and Premises, and that after the Purchase Money to be paid for the same shall be paid in the Manner directed by this Act, the said Messuage or Tenement and Premises, Houses, Buildings, Ground, and Hereditaments, shall be vested in the said United Company, their Successors and Assigns, as fully and effectually as if the same had been conveyed to them by the Person or Persons seised of the legal Estate thereof or therein.

In case of Difference respecting the Price, or there being no Person to treat for the Sale,

III. And be it further enacted, that if it shall happen that any Person or Persons, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life, Husbands, Trustees, and Feoffees in Trust for Charities, Guardians and Committees for Lunatics and Ideots, Executors or Administrators, or other Person or Persons who are now, or hereafter shall be, seised or possessed of or interested in the said three Messuages, Tenements, Rents, or Hereditaments, or any of them, shall hereafter refuse to sell in pursuance of the Contracts entered into as aforesaid, or if there shall be no Person or Persons in being who, as Trustees or otherwise, under the Powers of this present Act, can sell, or if such Person or Persons shall not produce and evince a clear Title to the Premises, or to the Term, Estate, or Interest they may respectively claim in their own Right, or to be empowered to sell under the Powers given by this Act, then and in every such Case, in order to settle and ascertain the Value of such Ground, Messuages, Buildings, and Hereditaments, or of such Estate, Right, or Interest therein, it shall and may be lawful to and for the Sheriffs of the City of *London*, and they are hereby required, from Time to Time, upon a Warrant or Warrants, Precept or Precepts, to be issued and directed to them for this Purpose, from Time to Time, by the Court of Mayor and Aldermen of the said City, commonly called *the Lord Mayor's Court*, (which Warrants or Precepts the said Court are hereby empowered and required to issue upon Demand of the Court of Directors for the Time being of the United Company, to be signified by their Secretary for the Time being), to impannel and return before the said Court a competent Number of substantial and disinterested Persons qualified to serve on Juries, not less than Forty-eight or more than Seventy-two, and out of such Persons so to be impannelled, summoned, and returned, a Jury of Twelve Persons shall be drawn by some Person to be by the said Court appointed, in such Manner as Juries for the Trial of Issues joined in his Majesty's Courts at *Westminster*, by an Act made in the Third Year of the Reign of His late Majesty, intituled, *An Act for the better Regulation of Juries*, are directed to be drawn; and the Persons so to be impannelled,

Sheriffs of *London* to summon a Jury.

pannelled, summoned, and returned as aforesaid, are hereby required to come and appear before the said Court of Mayor and Aldermen at such Time and Place as in such Warrant or Warrants, Precept or Precepts, shall be directed and appointed, and to attend the said Court from Day to Day until discharged by the said Court; and all Parties concerned shall and may have their lawful Challenges against any of the said Jurymen, but shall not be at Liberty to challenge the Array; and the said Court is hereby authorized and empowered by Precept or Precepts from Time to Time, as Occasion shall require, to call before them all and every Person and Persons whomsoever, who shall be thought proper or necessary to be examined as a Witness or Witnesses on their Oath or Oaths concerning the Premises; and the said Court, if they think fit, shall and may likewise authorize and require the said Jury to view the Place or Places in question, in such Manner as they shall direct; and the said Court shall have Power to command such Jury, Witnesses, and Parties, to attend until all such Affairs for which they were summoned shall be concluded; and the said Jury upon their Oaths (which Oaths, as also the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Court is hereby empowered and required to administer) shall inquire of the Value of such Messuages, Houses, Buildings, Ground, Tenements, Rents, and Hereditaments, and of the Value of the respective Estate, Term, and Interest, of every Person seised or possessed thereof, or interested and claiming any Interest therein, or of or in any Part thereof, and shall assess and award the Sum or Sums to be paid to every such Person and Persons for the Purchase of such their Estates, Terms, and Interests; except that no Value shall be set on any Life Estate distinct from the Reversion of the same Premises; and the said Court shall give Judgment for such Sum or Sums of Money so to be assessed; and that such Verdict or Verdicts, and the said Judgment thereon, shall be binding and conclusive, to all Intents and Purposes whatsoever, against all and every Person or Persons, Bodies Politic, Corporate, and Collegiate, now or at any Time hereafter claiming or to claim any Estate, Right, Title, Trust, Use, Term, or Interest, in, to, or out of the said Messuages, Houses, Buildings, Ground, Tenements, or Hereditaments, and Premises, either in Possession, Reversion, Remainder, Contingency, Expectancy, or Possibility, and against their respective Heirs, Successors, Heirs in Tail, and all Persons claiming through or under them, and against the King's Most Excellent Majesty, His Heirs and Successors; so that Notice in Writing be given to the Person or Persons, or to the principal Officer of the Body or Bodies Politic, Corporate, or Collegiate, interested, or hereby authorized to sell, at least Fourteen Days before the Time of such Assessment, declaring the Time and Place of the Meeting of the said Court or Jury, by such Notice being left at the Dwelling House of such Person or Persons, or principal Officer, or at his, her, or their usual Place or Places of Abode, if such Dwelling House or Abode shall be within the City of *London* or the Liberties thereof; or if the Dwelling House or usual Place of Abode of such Person or Persons, or principal Officer, shall not be within the City of *London* or the Liberties thereof, then by leaving such Notice with some Tenant or Occupier of some of the Messuages, Houses, Buildings, Ground, Tenements, or Hereditaments intended to be valued or assessed; or if such Messuages, Houses, Buildings, Ground, Tenements, or Hereditaments, shall not be occupied, then by affixing such Notice as aforesaid upon some conspicuous Part or Parts of the same Messuages, Houses, Buildings, Ground, Tenements, or Hereditaments.

Verdict of the Jury to be binding.

Expenses of Proceeding in the Mayor's Court.

IV. And be it further enacted, That the Sum of Two Guineas shall be paid to every Juryman who shall serve upon Juries to be summoned for the Purposes and in the Manner herein-before mentioned, for his Trouble in attending as such Juryman, upon every separate Jury, and that the Witnesses who shall be summoned to attend to give Evidence respecting the Premises shall be allowed their reasonable Expenses, and a reasonable Compensation for their Loss of Time; and that the Payments aforesaid, and all the other Expences of the Proceedings to be had in the said Court of Mayor and Aldermen, shall be paid and borne by the said United Company; but if such Proceedings shall have been occasioned by a Difference between the said United Company and the Owner or Owners of any of the Hereditaments and Premises to be purchased, or any Person or Persons by this Act authorized to treat and agree for the Sale of the same Premises, or by such Person or Persons refusing to treat or agree for the Sale of the Premises, and the Jury to be so summoned as aforesaid shall not value the Premises at a Price greater than that which shall have been offered by the said United Company, then and in such Case the said Jury shall proceed to consider of the Costs and Expences as aforesaid, and shall assess them to their full Amount, which shall be expressed in the Judgment to be given by the Court; and it shall be lawful for the said United Company to deduct and retain to themselves the Sum so assessed out of the Money to be awarded as the Value of the same Premises.

V. And

Proceedings in the Mayor's Court to be entered in a Book, and to be deemed Records.

V. And be it further enacted, That the Proceedings, Verdicts, and Judgments to be had and given in the said Court of Mayor and Aldermen, shall be entered in a distinct Book or Books, which shall be kept among the Records of the said Court, and the said Proceedings, Verdicts, and Judgemnts, shall be deemed and taken to be Records, to all Intents and Purposes whatsoever, and the same, or true Copies thereof, shall be deemed and taken to be good and Effectual Evidence and Proof, in any Court or Courts of Law or Equity whatsoever; and all Persons shall and may have Recourse to the same *gratis*, and take Copies thereof, paying Sixpence for every Copy not exceeding Two hundred Words, and Sixpence more for every additional Two hundred Words or less.

Upon Payment of the Purchase Money, proper Conveyances to be made.

VI. And be it further enacted, That upon Payment of the Purchase Money or Consideration to be paid for the respective Purchases, to the Person or Persons authorized to receive the same, or in case no Person or Persons shall be authorized to receive the Purchase Money to be paid for the same, then upon Payment of such Purchase Money into the Bank of *England*, in the Manner herein-after directed, the Owner or Owners of the said respective Premises, or the Person or Persons hereby authorized to make Conveyances of the same, shall, at the Expence of the said United Company, their Successors, or Assigns, make, or procure to be made to them, such Conveyances as are herein-before mentioned, of the said Messuages, Houses, Buildings, Ground, Tenements, Rents, and Hereditaments, or of such Estate, Term, or Interest for which such Purchase Money as aforesaid shall be paid, and shall procure all the necessary Parties to execute such Conveyances, and shall do, or cause to be done, all Acts, Matters, and Things, necessary and requisite to make a good, clear, and perfect Title to the said United Company, their Successors and Assigns; and such Conveyances shall contain all such reasonable and usual Covenants as on the Part of the said United Company, their Successors and Assigns, shall be reasonably required; and from and immediately after the Purchase Money or Consideration for the Hereditaments and Premises to be purchased respectively as aforesaid, shall be so paid as aforesaid, and such Conveyances as aforesaid shall be executed; or in case there shall not be any Person capable of making such Conveyances as aforesaid, or a clear Title shall not be evinced to the Premises, then upon Payment of the same Purchase Money into the Bank of *England*, in the Manner herein-after directed, it shall be lawful for the said United Company, their Successors and Assigns, to take Possession, or to cause Possession to be taken, of the Premises to be purchased, and to hold and enjoy the same against all Persons whomsoever, in the same Manner as they could hold and enjoy the same if the said Premises were conveyed to them by all the Persons entitled thereto, or interested therein, and such Persons were competent to make such Conveyances.

Occupiers not to be turned out without Notice, unless their Terms expire.

VII. Provided always, and it is hereby enacted and declared, That it shall not be lawful for the said United Company to turn out of Possession of the Premises to be purchased, the actual Occupiers, without giving to such Occupiers respectively six Calendar Months Notice, unless the Estates or Terms held by such Persons respectively shall sooner determine by Effluxion of Time or otherwise; but if any such Occupier or Occupiers shall refuse to give up the Possession of the Premises held by him, her, or them, to the said United Company, upon the Determination of their respective Estates, or at the expiration of six Calendar Months, to be computed from the Time such Notice as aforesaid shall be given, then and in such Case (the Purchase Money to be paid by the said United Company being first paid or tendered in the Manner directed by this Act) it shall and may be lawful to and for the said Court of Mayor and Aldermen to issue their Precept or Precepts to the Sheriff of the said City, to deliver Possession of the Premises to such Person or Persons as shall in such Precept or Precepts be nominated to receive the same on the Behalf of the said United Company; and the said Sheriffs are hereby required to deliver such Possession accordingly of the said Premises.

In case of Refusal, Sheriff to deliver Possesion.

Purchase Monies to be applied to the same Purposes.

VIII. And be it further enacted, by the Authority aforesaid, That the respective Monies or Considerations to arise by the Sale to the said United Company of the Ground, Messuages, Tenements, Rents, Hereditaments, and Premises to be sold to them, under the Authority of this Act, shall be laid out in the Purchase of other Messuages, Lands, Tenements, Rents, or Hereditaments, of an Estate or Inheritance in Fee Simple, and shall be conveyed, settled, and assured, to such of the Uses, and upon such of the Trusts, and for such Intents and Purposes, and with, under, and subject to such of the Powers, Provisoes, Conditions, and Declarations, upon and under which the same Premises now stand settled and limited, which shall then remain undetermined and capable of taking Effect; which said Purchases and Settlements shall be made by the Trustees of the same Premises, or by and under the Direction and Authority of the High Court of Chancery, as the said Court, upon Petition in a summary Way, shall order and direct.

IX. And

Placing Purchase Money belonging to Mr. *Ravenshaw* in the Bank, until new Purchase made.

IX. And be it further enacted by the Authority aforesaid, That the Purchase Money, or Consideration for the Purchase of the said Messuage or Tenement, and Premises belonging to the said *John Goldsborough Ravenshaw* and *Elizabeth* his Wife, in Settlement as aforesaid, shall be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account there *ex parte* the Purchaser, pursuant to the Method prescribed by the Statute of the twelfth Year of King *George* the First, Chapter the thirty-second, and the General Rules and Orders of the said Court of Chancery, and without Fee or Reward, according to the Act of the twelfth Year of His late Majesty King *George* the Second, Chapter the twenty-fourth, and that the same, when so paid in, shall be laid out in the Purchase of Navy or Victualling Bills, or Exchequer Bills, and that the Interest of the Money so laid out, except as herein-after is mentioned, and the Money received for the said Navy or Victualling Bills or Exchequer Bills, as they shall respectively be paid off by Government, shall be laid out in the Name of the said Accountant General in the Purchase of other Navy, Victualling, or Exchequer Bills, which shall be deposited in the Bank, and shall there remain until a proper Purchase or Purchases be found and approved of, and until the same shall, upon a Petition setting forth such Approbation, (to be preferred to the Court of Chancery in a summary Way, by the Person or Persons who would be entitled to the Rents of the Hereditaments to be purchased therewith, if the same were purchased), be ordered to be sold by the said Accountant General for the completing such Purchase, in such Manner as the said Court shall think just and direct; and that if the Money arising by the Sale of such Navy, Victualling, or Exchequer Bills, shall exceed the Amount of the original Purchase Money so laid out as aforesaid, then and in that Case only, except as herein-after is mentioned, the Surplus which shall remain, after discharging the Expenses of the Applications to the said Court, shall be paid to such Person or Persons respectively as would have been intitled to receive the Rents and Profits of the Lands and Hereditaments to be purchased, in case the same had been purchased, provided that so far as respects the said Charity Money of forty-five Pounds a Year, it shall and may be lawful for the said Court to order the same to be paid as it becomes due, out of the Interest Money from Time to Time to accrue and become due on the said Navy, Victualling, and Exchequer Bills.

For placing Purchase Monies belonging to the Parish of *St. Andrew Undershaft* and to *Christ's Hospital*, in the Bank, until new Purchase made.

X. And, with respect to the Funds agreed to be transferred as the Consideration for the Purchase of the said Messuages or Tenements, Hereditaments and Premises, belonging to the said Parson and Churchwardens of *St. Andrew Undershaft*, and the said Governors of *Christ's Hospital*, or such other Purchase Money as shall be paid for the same; Be it enacted by the Authority aforesaid, That the same shall be transferred into the Name of the Accountant General of the Court of Chancery, with his Privity, in the same Method and Manner as other Funds are transferred unto and put in his Name, according to the Rules and Orders of the said Court, and shall be subject to the Orders and Directions of the same Court, upon Petition in a summary Way; and it shall be lawful for the said Court to order the same Funds to be continued or to be sold out, and the Produce thereof invested in Navy or Victualling Bills or Exchequer Bills, until a proper Purchase or Purchases can be found, and then to order the same to be sold and applied in Payment for such Purchase or Purchases; and it shall be lawful for the said Court to order the Dividends of the said Funds, or the Interest of the said Navy, Victualling, or Exchequer Bills, or any Part thereof, to be applied to the Purposes of the said Charities, or to be retained and accumulate, until a proper Purchase or Purchases shall be found, as the said Court shall think fit; and in case the said Court shall see proper to retain the said Dividends and Interest, or any Part thereof, then the Surplus of the Dividends or Interest so retained, which shall remain after discharging the Expense of the Applications to the said Court, shall be paid and applied to such Purposes to which the growing Rents and Profits of the Premises purchased shall be applicable.

Bargains and Sales enrolled in the Hustings of the City, to be as effectual as Fines and Recoveries.

XI. And be it further enacted, That all Bargains and Sales whatsoever to be made and acknowledged by any Person or Persons whomsoever, and which shall be enrolled in the Hustings of the said City, of any such Messuages, Lands, Tenements, and Hereditaments, as shall be purchased by virtue of and for the Purposes of this Act, so far as respects the said United Company, shall absolutely vest the Premises therein mentioned in the said United Company, their Successors and Assigns, according to the Purport, true Intent, and Meaning thereof, and so far as respects the Persons making such Conveyances as aforesaid, the same shall have the Force, Effect, and Operation in Law, to all Intents and Purposes, which any Fine or Fines, Recovery or Recoveries whatsoever, would have had if levied or suffered by the Bargainor or Bargainors, or any Person or Persons seised of any Estate in the Premises, in Trust, for or to the Use of the Bargainor or Bargainors in any legal Manner or Form whatsoever.

XII. And

Power to make Claims within five Years after Enrolment, and Provision for Satisfaction on Recovery;

XII. And be it further enacted, That all and every Person and Persons whomsoever, not incapable by Law to pursue his, her, or their Rights, having or claiming any Right, Title, Term, Interest, Use, Property, Claim, and Demand whatsoever, in Possession, Reversion, Remainder, or Expectancy, into or out of any Lands, Tenements, or Hereditaments, which by virtue and for the Purposes of this Act, shall be purchased and conveyed, or mentioned or intended to be conveyed, by any such Bargain and Sale, and all Persons who at that Time shall be under any legal Disability, shall, within five Years next after such Disability shall be removed as aforesaid, shall, within the Space of five Years, to be computed from the Date of the Enrolment of such Bargain and Sale, enter a Memorial of such their Right, Title, Term, Interest, Property, Claim, and Demand, in a Book to be for that Purpose prepared and kept by the Town Clerk of the said City, which Book the said Town Clerk is hereby required to prepare and keep accordingly, and for which Entry he shall be entitled to such Fee, and no other, as the Register of the County of *Middlesex* is by Law entitled to for the Registry of a Memorial containing the same Number of Words; and any Person or Persons, upon establishing such Claim, shall recover from the said United Company the Value and Amount thereof, not exceeding the Amount of the Purchase Money paid for the same Premises by the said United Company, and shall also recover such Interest as shall be equivalent to the Mesne Profits of the Premises during the Time of their being possessed by the said Company, which they would have been entitled to recover in case this Act had not been made; and the said United Company shall have their Remedy over against the Person or Persons from whom they purchased; and all and every Person or Persons whomsoever not entering such Right, Claim, and Demand, within such Time and in such Manner as aforesaid, or having so entered the same, and not prosecuting such their Right, Claim, or Demand with Effect, within the Space of five Years, to be computed from the Time of such Entry, shall be for ever barred of all Right, Title, Use, Equity, Property, Claim, and Demand, whatsoever, whether in Possession, Reversion, Remainder, or Expectancy, into, upon, or out of the said Premises, and every Part thereof; and the said United Company, and those claiming by, from, or under them, shall be quieted in the Possession of all such Messuages, Lands, Tenements, Hereditaments, and Premises any Law, Statute, Usage, Matter, or Thing whatsoever to the contrary notwithstanding.

but in Default of Claim, or of prosecuting the same, all Persons to barred.

Power to sue for Mesne Profits on Claims established.

XIII. And be it further enacted, That any Person or Persons making such Claim, and recovering thereon as herein-before is mentioned, shall be at Liberty to bring any Action or Suit as he shall think fit, against any Person or Persons who shall have possessed or received the Rents and Profits of the Premises, before the said United Company shall have taken Possession thereof, for recovering the Mesne Rents and Profits thereof, before that Time, in like Manner as might have been done if this Act had not been made.

Penalty on Sheriffs, &c. making Default.

XIV. And be it further enacted, That the said Court of Mayor and Aldermen shall have Power from Time to Time to impose any reasonable Fine or Fines, not exceeding the Sum of ten Pounds for each Fine, on such Sheriffs, or their Deputy or Deputies, Bailiffs or Agents respectively, making Default in the Premises, and on any of the Persons who shall be summoned and returned on any Jury or Juries who shall not appear, or who shall refuse to be sworn on the said Jury or Juries, or being so sworn, shall not give his or their Verdict; and also on any Person or Persons who shall be summoned to give Evidence touching any of the Matters aforesaid, and shall not attend, or shall refuse to be sworn, or who being sworn shall refuse to give his, her, or their Evidence, and also on any other Person or Persons who shall in any other Manner wilfully neglect his or their Duty in the Premises, contrary to the true Intent and Meaning of this Act; and from Time to Time to levy such Fine or Fines, by Distress and Sale of the Offender's Goods, by Warrant under the Hand and Seal, or Hands and Seals, of any Justice or Justices of the Peace, together with the reasonable Charges of every such Distress and Sale, returning the Overplus (if any) to the Owners.

The Company to complete Purchases and widen *Lime Street*, with all convenient Speed.

XV. And be it further enacted, That the said United Company shall, with all convenient Speed after the passing of this Act, make and complete such Purchases as they are herein-before authorised to make, and that, with all convenient Speed after such Purchases shall be completed, the said United Company shall pull down the Houses and Buildings in *Lime Street*, and shall make the same Street, from the North End thereof, up to the Building belonging to the said United Company, and used as a Shipping Office for private Trade, at least twenty-two Feet wide from Wall to Wall, and shall make the Foot Way along the West Side thereof, at least four Feet wide, and shall pave the same with *Purbeck* Stone, in an effectual Manner, and shall pave the Whole of the Carriage Way

Way in an effectual Manner, in the same Way and with the same Kind of Stone in and with which the Carriage Ways in the other Streets of *London* are most usually paved, and for that Purpose may take up the present Pavement and lay the same down again, or convert the Materials to their own Use, and pave the said Street with new Materials.

United Company not liable to pay future Repairs thereof.

XVI. Provided always, That nothing herein contained shall extend, or be construed to extend, to charge the said United Company alone with repairing or making good the Pavement of *Lime Street* aforesaid in future; but that, from and after the same shall have been well and effectually paved as aforesaid by the said United Company, the same shall for ever then after be kept in Repair by such Person or Persons, Companies or Societies, which now are or hereafter shall be chargeable with the Repairs of the Public Streets in the said Parish of *Saint Andrew Undershaft*.

Committee may be appointed to carry the Act into Execution.

XVII. And be it further enacted, That it shall and may be lawful to and for the Court of Directors for the Time being of the said United Company, and they are hereby authorised and empowered, from Time to Time to appoint a particular Committee, or any of the Standing Committees of the Court of Directors of the said United Company, to manage and transact such Matters and Things as shall be necessary in or about the Execution of the Purposes intended by this Act; and the Committee so to be appointed shall have such or so much of the Powers and Authorities by this Act given to the Court of Directors for the Time being of the said United Company as they shall from Time to Time think fit or proper to delegate to such Committee.

Empowering the Company to purchase although they may, together with the Messuages now in their Possession, exceed the annual Value limited by Law.

XVIII. And whereas the Purchases of Ground and Buildings which the said United Company are hereby authorised to make, together with the other Messuages, Lands, Tenements, and Hereditaments, of which the said United Company are now possessed, will, after the same shall be improved by the new Buildings intended to be made therein, exceed the annual Value of Messuages, Lands, Tenements, and Hereditaments, in *Great Britain*, which the said United Company are restricted by Law to purchase or be possessed of, and such Purchases and Buildings being necessary to the said United Company; be it further enacted, That it shall and may be lawful to and for the said United Company to purchase the Messuages, Lands, Tenements, and Hereditaments, which they are hereby empowered to purchase, over and besides the other Messuages, Lands, Tenements, and Hereditaments in *Great Britain*, which they are now possessed of, and to build upon and improve all and every the same Premises so to be purchased, and also those of which the said Company are now possessed, in such Manner as they shall think fit, although the same Premises shall or may in yearly Value exceed the yearly Value of Messuages, Lands, Tenements, or Hereditaments, to which the said Company's Purchases and Possessions in *Great Britain* are limited; any Law or Statute to the contrary in anywise notwithstanding.

Limitations of Actions.

XIX. And be it further enacted, That if any Action shall be brought or Suit commenced against any Person or Persons for any Thing done in pursuance of this Act, or in relation to the Premises, or any of them, such Action or Suit shall be laid or brought within six Months after the Fact done, and shall be laid or brought in the City of *London*, and not elsewhere; and the Defendant or Defendants in such Action may plead the General Issue, and give this Act and the special Matter in Evidence on any Trial to be had thereon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to have been so done, or if any Action or Suit shall not be brought within the Time before limited, or shall be brought in any other County or Place than as aforesaid, then the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become nonsuit, or suffer Discontinuance of his, her, or their Action or Actions, or if a Verdict shall pass against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Double Costs, and shall have such Remedy for recovering the same as any Defendant or Defendants hath or have for Costs in other Cases by Law.

General Issue.

Double Costs.

Public Act.

XX. And be it further enacted, That this Act shall be deemed a Public Act, and shall be taken Notice of as such, by all Judges, Justices, and all other Persons whomsoever, without its being specially pleaded.

36 GEORGII III. Cap. CXX.

An Act for enabling the East-India *Company to perform an Engagement entered into by them, with* William Sabatier, *Gentleman, respecting the Importation of Cotton from the* East-Indies. [18*th May* 1796.]

Preamble.

WHEREAS the Importation of Cotton from the *East-Indies*, has for some Years past been considered an Object of great Importance to the Cotton Manufactures of this Kingdom; but the same has not hitherto been imported in sufficient Quantities to answer the Demand for it by reason of the great Space which it occupies on board Ship: And whereas *William Sabatier*, of the Parish of *Saint Mary-le-bone*, in the County of *Middlesex*, Gentleman, has discovered and invented a Principle and Method of retaining Cotton, within a much less Space than heretofore, and by reducing the Freight thereof, has removed the Difficulties arising from the present Mode of packing, and thereby furnished the Power of importing the same to Advantage; which Invention the said *William Sabatier* did offer to disclose to the United Company of Merchants of *England* trading to the *East-Indies*, that they might make use of the same in their Trade on suitable Recompense being made to him: And whereas the said United Company did, on the twenty-first Day of *September* one thousand seven hundred and ninety-two, in order to induce the said *William Sabatier* to make known such Discovery, enter into an Engagement, whereby they bound themselves to pay to the said *William Sabatier* such Percentage as is hereinafter mentioned on all Cotton to be imported into this Kingdom by them, and by others, under their Licence; and likewise on all Cotton to be exported by them from Port to Port in *India*, or to *China*, and contained in Packages of such proportioned Measurement as is herein-after also mentioned, and which Discovery the said *William Sabatier* did afterwards make known to the said United Company, in consequence of their said Engagement: And whereas by an Act, passed in the thirty-third Year of His present Majesty, intituled, *An Act for continuing in the* East-India *Company, for a further Term, the Possession of the* British *Territories in* India, *together with their exclusive Trade, under certain Limitations; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same; for appropriating to certain Uses the Revenues and Profits of the said Company; and for making Provision for the good Order and Government of the Towns of* Calcutta, Madras, *and* Bombay, by which a permissive Trade is granted to Individuals, subject only to the Charges therein specified, the said United Company are disabled from performing their Engagement with the said *William Sabatier*, so far as relates to the Trade of Individuals allowed by the said Act: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Court of Directors for the Time being of the said United Company shall, and they are hereby authorised and required, in addition to the three Pounds *per Centum*, already authorised to be charged by the said Acts, to charge and deduct from the Amount of the Gross Value of the Sales of all Cotton sold by them, which shall be imported into this Kingdom by Individuals, by Virtue of the aforesaid Act, and retained according to the Method and Principle discovered and invented by the said *William Sabatier*, such several Percentages as hereafter mentioned; that is to say, one Half *per Centum* for Bales or other Packages of Cotton so imported and retained as aforesaid, containing the Proportion of six hundred and sixty-four Pounds Weight or upwards, and not more than seven hundred and eighty-four Pounds Weight, in the Space of twenty-two Cubical Feet of Measurement, and one Pound *per Centum*, for such Bales or other Packages of Cotton containing the Proportion of seven hundred and eighty-four Pounds Weight or upwards, in the Space aforesaid; and to pay or cause to be paid the Amount thereof to the said *William Sabatier*, his Executors, Administrators, or Assigns; any Act or Acts to the contrary notwithstanding.

Mr. *Sabatier* has invented a Method of retaining Cotton in a much less Space than heretofore.

East-India Company entered into an Engagement with him to pay a certain Percentage on all Cotton imported, &c.

By Act 33 *Geo.* III, the Company are disabled from performing their Engagments, so far as relates to the Trade of Individuals.

The Company empowered to deduct the Percentages, and pay them to Mr. *Sabatier*.

II. And be it further enacted, That the said *William Sabatier*, his Executors, Administrators, or Assigns, in order to authorise the said United Company to make such Charges as aforesaid, shall, on or before the intended Day or Days of Sale of all such Cotton to be sold by the said United Company, deliver to the Chief Secretary of the said United Company, a Specification or Description of such Bales or Packages as appear to him or them to be retained according to the Method or Principle discovered and invented by the said *William Sabatier*; and in case any Person or Persons to whom the said Cotton shall belong, or who shall claim the same, shall, before the Payment of either of the said Percentages, deliver in Writing their Dissent to such Payment, then, and in such Case, the said Court of Directors shall detain in their Hands the said respective Percentages from the Amount of the Gross Sale Value of the Cotton so specified or described and dissented to as aforesaid, until the said *William Sabatier*, his Executors, Administrators, or Assigns, and the said Claimant or Claimants, shall deliver in Writing to the Chief Secretary of the said United Company their joint Agreement for the Payment of the said respective Percentages, or until the same shall be relieved by due Course of Law, in an Action or Suit between the said *William Sabatier*, his Executors, Administrators, or Assigns, and the said Claimant or Claimants: Provided always, that the said United Company shall not be made a Party to any Action or Suit that may be instituted, to try the Right of the said Parties to the said respective Percentages.

Mr. *Sabatier* to deliver to the Secretary of the Company, a Specification of the Bales retained according to his Method.

III. And be it further enacted, That this Act shall have Commencement immediately after it shall have received His Majesty's Royal Assent, and continue in Force for and during the Term of fourteen Years.

Commencement and Continuance of the Act.

IV. And be it further enacted, That this Act shall be adjudged, deemed, and taken to be a Public Act, and shall be judicially taken Notice of as such, by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

Public Act.

36 GEORGII III. Cap. CXXVII.

An Act for enabling the United Company of Merchants of England *trading to the* East Indies *to purchase Ground for building Warehouses upon, and to make a new Street from* Petticoat Lane *to* White Street, *instead of* Gravel Lane *in* Petticoat Lane. [19*th May* 1796.]

Preamble.

WHEREAS the United Company of Merchants of *England* trading to the *East-Indies* have purchased, and are possessed of, a large Spot of Ground lying on both Sides of a public Lane called *Gravel Lane*, in *Petticoat Lane*, in the Parish of *Saint Botolph Aldgate*, in the City of *London*, between a Street called *New Street*, near *Bishopsgate Street*, in the City of *London*, towards the North, *Petticoat Lane* aforesaid towards the East, *Harrow Alley*, in the said Parish of *Saint Botolph Aldgate*, towards the South, and certain Houses and Grounds in *White Street* and *Cutler Street*, in the same Parish towards the West; and in order to enable the said United Company to build certain Warehouses which are convenient for their Accommodation, it is necessary to purchase a small Estate in or near a Court called *Five Inkhorn Court*, in *Petticoat Lane* aforesaid, belonging to *Joseph Sibley* Esquire, and *Frances Brudenell* his Wife, which they are willing and have contracted to sell to the said United Company for the Sum of three hundred and fifteen Pounds: And whereas the Goods to be deposited in the said Warehouses will be of very great Value, and the Public will be interested therein as well as the said United Company, and it is necessary, not only for Convenience but for Safety, that the said intended Warehouses should be united and made private; but the said Ground, so as aforesaid possessed by the said United Company, is intersected almost through the Centre by the said Lane called *Gravel Lane*, communicating in different Directions from *Petticoat Lane* aforesaid to *Harrow Alley* aforesaid, and the said Lane called *Gravel Lane*, by reason of its Winding and great Narrowness, (not being more than eight Feet Wide in several Parts), is exceeding inconvenient for Carriages: And whereas it will be of great Utility, not only to the said United Company, but to the Neighbourhood and the Public, that a new Street, instead of *Gravel Lane* aforesaid, should be made in a straight Line from the End of *Harrow Alley* in *Petticoat Lane*, along the same Alley to the South-west End thereof, and that the same should be continued, not exceeding thirty Feet, to a Line to run parallel with the South-west Side of *White Street*, and that the said new Street, at that Termination, should be turned to the North-west to run into the said Street called *White Street*, which

which leads to *Houndsditch*, and should be made throughout of the Width of sixteen Feet from Wall to Wall: And whereas the said United Company are willing, at their own Expense, to make such new Street as aforesaid, from *Petticoat Lane* to *White Street*, and for the Purpose of making the same of such Width as aforesaid, to give up to the Public a Part of their own Ground, and to purchase certain Buildings and Ground at the Western End of the said intended new Street belonging to the Master, Wardens, and Commonalty of the Mystery of *Cutlers* within the Liberty of the City of *London*, and by them leased to divers Tenants, provided so much of the said Lane called *Gravel Lane*, as runs from *Petticoat Lane* aforesaid to the Northern Boundary of a certain vacant Piece of Ground, now in Lease to the Reverend *Josiah Thompson*, be vested in them for their own Use; but as the said Premises contracted to be purchased by the said United Company for their Warehouses as aforesaid, are settled to strict Uses, and those which it will be necessary to purchase to make the said new Street are also comprised in Settlements to strict Uses, or are vested in Persons unable to dispose of the same, or with whom the said Company cannot agree; and as the said Lane, called *Gravel Lane*, is a public Lane, Passage, or Highway, the Purposes aforesaid cannot be effectuated without the Authority of Parliament; may it therefore please Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, from and immediately after the passing of this Act, the said United Company of Merchants of *England* trading to the *East-Indies*, or their Court of Directors for the Time being, for and on the Behalf of the said United Company, shall have full Power and Authority to purchase the Ground, Houses, and Buildings, and the Materials thereof, and other Hereditaments, in and near *Five Inkhorn Court*, belonging to the said *Joseph Sibley* and his Wife, and also to the said Ground and Buildings belonging to the said Company of Cutlers, or so much of the said respective Grounds and Buildings as the said United Company shall deem it necessary to purchase and to take Possession, and to cause Possession to be taken thereof, and to cause the Houses and Buildings thereon to be pulled down, and the Posts and Pavements before the same to be taken up, removed, and altered, in such Manner as the Court of Directors for the Time being of the said United Company shall think proper, and to build and erect, and to cause to be built and erected on the same Premises, such Erections and Buildings, and to make such Openings thereto as the said Court of Directors for the Time being of the said United Company shall think proper; and this Act shall be sufficient to indemnify the said United Company, their Directors, Agents, Workmen, Officers, and Servants, and all Persons acting by or under their Authority, against the Heirs, Executors, Administrators and Assigns, of any of the said Owners, Lessees, or Occupiers of the Premises so purchased.

The *East-India* Company's Power to purchase for building Warehouses, and making a new Street.

II. And be it further enacted, That it shall and may be lawful to and for all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Trustees and Feoffees in Trust or for Charities, Guardians, and Committees for Lunatics and Ideots, Executors and Administrators, and Guardians whatsoever, not only for or on Behalf of themselves, their Heirs and Successors, but also for or on Behalf of their Cestuique Trusts, whether Infants or Issue unborn, Persons entitled in Remainder, Lunatics, Ideots, Femes Covert, or other Persons whatsoever, to agree for the Sale of, and to sell and convey the said Messuages, Houses, Buildings, Lands, Tenements, Hereditaments, Estates, and Interests, or any Part thereof, unto and to the Use of the said United Company, their Successors and Assigns, by Indenture expressing the Consideration or Considerations, *bonâ fide*, paid or to be paid for the Premises to be therein comprised, and to whom and in what Manner the same shall be paid, and that such Indenture, being inrolled in the Court of Hustings of the said City of *London* within six Months from the Date and Execution thereof, shall have the same Force as Fines and Recoveries duly levied and suffered, and shall vest the Messuages, Houses, Buildings, Ground, Tenements, and Hereditaments therein comprised, for such Estate or Estates as shall be therein expressed to be conveyed in the said United Company, their Successors and Assigns, as effectually as if the Person or Persons making such Conveyance had been seized or possessed of the Premises conveyed for the Estate or Estates thereby expressed to be conveyed.

Power for Bodies Politic, &c. to agree for the Sale of Houses, Ground, &c.

III. And be it further enacted, That if it shall happen that any Person or Persons, Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life, Husbands, Trustees and Feoffees in Trust or for Charities, Guardians and Committees for Lunatics and Ideots, Executors or Administrators, or other Person or Persons who now are or hereafter shall be

Reference to a Jury in certain Cases.

be seized or possessed of, or interested in the said Messuages, Buildings, Ground, Tenements, or Hereditaments, of any of them, shall refuse to sell, or by Reason of Absence or Disability, shall not be able to sell, or there shall be no Person or Persons in being, who as Trustees or otherwise under the Powers of this present Act can treat for the Sale of the said Premises, or they, he, or she, and the said United Company shall not agree upon the Price or Prices to be paid for such Purchase or Purchases as aforesaid, or if such Person or Persons shall not produce and evince a clear Title to the Premises, or to the Term, Estate, or Interest they may respectively claim in their own Right, or to be empowered to sell under the Powers given by this Act, then and in every such Case, in order to settle and ascertain the Value of such Ground, Messuages, Buildings, and Hereditaments, or of such Estate, Right, or Interest therein, it shall and may be lawful to and for the Sheriffs of the City of *London*, and they are hereby required from Time to Time, upon a Warrant or Warrants, Precept or Precepts to be issued and directed to them for this Purpose from Time to Time by the Court of Mayor and Aldermen of the said City, commonly called the *Lord Mayor's Court*, (which Warrants or Precepts the said Court are hereby empowered and required to issue upon Demand of the Court of Directors for the Time being of the said United Company, to be signified by their Secretary for the Time being), to impannel and return before the said Court a competent Number of substantial and disinterested Persons, qualified to serve on Juries, not less than forty-eight or more than seventy-two; and out of such Persons, so to be impannelled, summoned, and returned, a Jury of twelve Persons shall be drawn by some Person to be by the said Court appointed, in such Manner as Juries for the Trial of Issues joined in His Majesty's Courts at *Westminster*, by an Act made in the third Year of the Reign of His late Majesty, intituled, *An Act for the better Regulation of Juries*, are directed to be drawn; and the Persons so to be impannelled, summoned, and returned as aforesaid, are hereby required to come and appear before the said Court of Mayor and Aldermen at such Time and Place as in such Warrant or Warrants, Precept or Precepts shall be directed and appointed, and to attend the said Court from Day to Day until discharged by the said Court, and all Parties concerned shall and may have their lawful Challenge against any of the said Jurymen, but shall not be at Liberty to challenge the Array; and the said Court is hereby authorised and empowered by Precept or Precepts, from Time to Time as Occasion shall require, to call before them all and every Person and Persons whomsoever, who shall be thought proper or necessary to be examined as a Witness or as Witnesses on their Oath or Oaths concerning the Premises; and the said Court, if they think fit, shall and may likewise authorise and require the said Jury to view the Place or Places in question, in such Manner as they shall direct; and the said Court shall have Power to command such Jury, Witnesses, and Parties to attend until all such Affairs for which they were summoned shall be concluded; and the said Jury, upon their Oaths, (which Oaths, as also the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Court is hereby empowered and required to administer,) shall inquire of the Value of such Messuages, Houses, Buildings, Ground, Tenements, and Hereditaments, and of the Value of the respective Estate, Term, and Interest of every Person seized or possessed thereof, or interested or claiming any Interest therein, or of or in any Part thereof; and shall assess and award the Sum or Sums to be paid to every such Person or Persons for the Purchase of such their Estates, Terms, and Interests; and the said Court shall give Judgment for such Sum or Sums of Money so to be assessed, except that no Value shall be set on any Life Estate distinct from the Reversion of the same Premises, and that such Verdict or Verdicts, and the said Judgment thereon, shall be binding and conclusive to all Intents and Purposes whatsoever against all and every Person and Persons, Bodies Politic, Corporate and Collegiate, now or at any Time hereafter claiming or to claim any Estate, Right, Title, Trust, Use, Term, or Interest in, to, or out of the said Messuages, Houses, Buildings, Ground, Tenements, Hereditaments, and Premises, either in Possession, Reversion, Remainder, Contingency, Expectancy, or Possibility, and against their respective Heirs, Successors, Heirs Intail, and all Persons claiming through or under them, and against the King's most Excellent Majesty, His Heirs and Successors, so that Notice in Writing be given to the Person or Persons, or to the principal Officer of the Body or Bodies Politic, Corporate or Collegiate, interested or hereby authorised to sell, at least fourteen Days before the Time of such Assessment, declaring the Time and Place of the Meeting of the said Court or Jury, by such Notice being left at the Dwelling House of such Person or Persons, or principal Officer, or at his, her, or their usual Place or Places of Abode, if such Dwelling House or Abode shall be within the City of *London* or the Liberties thereof, or if the Dwelling House or usual Place of Abode of such Person or Persons, or Principal Officer, shall not be within the City of

of *London* or the Liberties thereof, then, by leaving such Notice with some Tenant or Occupier of some of the Messuages, Houses, Buildings, Ground, Tenements, or Hereditaments intended to be valued or assessed, or if such Messuages, Houses, Buildings, Ground, Tenements, and Hereditaments shall be unoccupied, then by affixing such Notice as aforesaid upon some conspicuous Part or Parts of the same Messuages, Houses, Buildings, Ground, Tenements, or Hereditaments.

Payments to be made to Jury and Witnesses.

IV. And be it further enacted, That the Sum of two Guineas shall be paid to every Juryman, who shall serve upon Juries, to be summoned for the Purposes and in the Manner herein-before mentioned, for his Trouble in attending as such Juryman upon every separate Jury; and that the Witnesses who shall be summoned to attend to give Evidence respecting the Premises shall be allowed their reasonable Expenses, and a reasonable Compensation for their Loss of Time, and that the Payments aforesaid, and all the other Expenses of the Proceedings to be had in the said Court of Mayor and Aldermen shall be paid and borne by the said United Company; but if such Proceedings shall have been occasioned by a Difference between the said United Company and the Owner or Owners of any of the Hereditaments and Premises to be purchased, or any Person or Persons by this Act authorised to treat and agree for the Sale of the same Premises, or by such Person or Persons refusing to treat or agree for the Sale of the Premises, and the Jury to be so summoned as aforesaid shall not value the Premises at a Price greater than that which shall have been offered by the said United Company, then and in such Case the said Jury shall proceed to consider of the Costs and Expenses aforesaid, and shall assess them to their full Amount, which shall be expressed in the Judgment to be given by the Court; and it shall be lawful for the said United Company to deduct and retain to themselves the Sum so assessed out of the Money to be awarded as the Value of the same Premises.

Verdicts to be entered on Record.

V. And be it further enacted, That the Proceedings, Verdicts, and Judgments, to be had and given in the said Court of Mayor and Aldermen, shall be entered in a distinct Book or Books, which shall be kept among the Records of the said Court, and the said Proceedings, Verdicts, and Judgments shall be deemed and taken to be Records to all Intents and Purposes whatsoever, and the same or true Copies thereof, shall be deemed and taken to be good and effectual Evidence and Proof in any Court or Courts of Law or Equity whatsoever, and all Persons shall and may have Recourse to the same *gratis*, and take Copies thereof, paying Sixpence for every Copy, not exceeding two hundred Words, and Sixpence more for every additional two hundred Words or less.

Upon Payment of Purchase Money, proper Conveyances to be made;

VI. And be it further enacted, That upon Payment of the Purchase Money, to be paid for the respective Purchases to the Person or Persons authorised to receive the same in their own Rights, or as Trustees or otherwise, or in case the Person or Persons hereby enabled to make Conveyances of the Premises shall not be entitled to receive the Purchase Money to be paid for the same, then upon Payment of such Purchase Money into the Bank of *England*, in the Manner herein-after directed, the Owner or Owners of the said respective Premises, or the Person or Persons hereby authorised to make Conveyances of the same, shall, at the Expense of the said United Company, their Successors or Assigns, make or procure to be made to them such Conveyances as are herein-before mentioned of the said Messuages, Houses, Buildings, Ground, Tenements, and Hereditaments, or of such Estate, Term, or Interest for which such Purchase Money as aforesaid shall be paid, and shall procure all the necessary Parties to execute such Conveyances, and shall do or cause to be done all Acts, Matters, and Things necessary and requisite to make a good, clear, and perfect Title to the said United Company, their Successors and Assigns; and such Conveyances shall contain all such reasonable and usual Covenants as on the Part of the said United Company, their Successors and Assigns, shall be reasonably required; and from and immediately after the Purchase Money, for the Hereditaments and Premises to be purchased respectively, as aforesaid, shall be so paid as aforesaid, and such Conveyances as aforesaid, shall be executed, or in case the Person or Persons entitled to receive such Purchase Money, or who should execute such Conveyances respectively as aforesaid shall refuse to receive such Purchase Money, or to execute such Conveyances as aforesaid, then upon such Purchase Money being tendered to such Person or Persons as shall be entitled to receive the same, in his, her, or their own Right, if such Person or Persons shall be to be found within the Limits of the said City or otherwise, by giving him, her, or them Notice, that the said United Company are ready to pay the Purchase Money agreed or awarded to be paid (such Notice being given in the same

same Manner as is herein-before required to be given of the Time of assessing the Value of the Premises to be purchased), or if such Person or Persons as aforesaid shall not be entitled to the Purchase Money in his, her, or their own Right, or in case there shall not be any Person capable of making such Conveyances as aforesaid, or a clear Title shall not be evinced to the Premises; then, upon Payment of the same Purchase Money into the Bank of *England* in the Manner herein-after directed, it shall be lawful for the said United Company, their Successors and Assigns, to take Possession, or to cause Possession to be taken, of the Premises to be purchased, and to hold and enjoy the same, against all Persons whomsoever, in the same Manner as they could hold and enjoy the same, if the said Premises were conveyed to them by all the Persons entitled thereto, or interested therein, and such Persons were competent to make such Conveyances.

and in case of Defects of Title, &c. Purchase Money to be paid into the Bank.

Occupiers not to be turned out without Notice, unless their Terms expire.

VII. Provided always, and it is hereby enacted and declared, That it shall not be lawful for the said United Company to turn out of Possession of the Premises to be purchased the actual Occupiers thereof without giving to such Occupiers respectively Six Calendar Months Notice, unless the Estates or Terms held by such Persons respectively shall sooner determine by Effluxion of Time or otherwise; but if any such Occupier or Occupiers shall refuse to give up the Possession of the Premises held by him, her, or them to the said United Company upon the Determination of their respective Estates, or at the Expiration of Six Calendar Months, to be computed from the Time such Notice as aforesaid shall be given, then and in such Case (the Purchase Money to be paid by the said United Company being first paid, or tendered in the Manner directed by this Act) it shall and may be lawful to and for the said Court of Mayor and Aldermen to issue their Precept or Precepts to the Sheriffs of the said City, to deliver Possession of the Premises to such Person or Persons as shall in such Precept or Precepts be nominated to receive the same on the Behalf of the said United Company, and the said Sheriffs are hereby required to deliver such Possession accordingly of the said Premises.

On Refusal, Sheriff to give Possession.

How Purchase Money to be applied.

VIII. And be it further enacted by the Authority aforesaid, That the respective Monies to arise by the Sale to the said United Company of so much of the Ground, Messuages, Tenements, Rents, Hereditaments, and Premises, to be sold to them under the Authority of this Act, as shall be settled Estate, or shall be limited to charitable Purposes, shall be laid out in the Purchase of other Messuages, Lands, Tenements, Rents, or Hereditaments, of an Estate of Inheritance in Fee Simple, and shall be conveyed, settled, and assured to such of the Uses, and upon such of the Trusts, and for such Intents and Purposes, and with, under, and subject to such of the Powers, Provisoes, Conditions, and Declarations, upon and under which the same Premises now stand settled and limited, which shall then remain undetermined and capable of taking Effect, which said Purchases and Settlements shall be made by the Trustees of the same Premises, or by and under the Direction and Authority of the High Court of Chancery, as the said Court, upon Petition in a summary Way, shall order and direct.

For placing Purchase Monies belonging to charitable Purposes in the Bank, until new Purchase made.

IX. And be it further enacted, That as to such of the Purchases aforesaid as shall be made of any settled Estate, and as to such of the Purchases as shall be of any Estate, the Rents and Profits whereof are applicable to any Charitable Purpose, the respective Purchase Monies for the same shall be paid into the Bank in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Purchaser or Purchasers, pursuant to the Method prescribed by the Act of the Twelfth Year of His late Majesty King *George* the First, Chapter the Thirty-second, and the General Rules and Orders of the said Court, and without Fee or Reward, according to the Act of the Twelfth Year of His late Majesty King *George* the Second, Chapter the Twenty-fourth, and that the same when so paid in, shall be laid out in the Purchase of Navy or Victualling Bills or Exchequer Bills, and that the Interest arising from the Money so laid out, except as herein-after is mentioned, and the Money received for the same Navy, Victualling, and Exchequer Bills as they shall be respectively paid off by Government, shall be laid out in the Name of the said Accountant General in the Purchase of other Navy or Victualling Bills, or Exchequer Bills, and deposited in the Bank in the Name of the said Accountant General, and shall there remain until a proper Purchase or Purchases be found and approved of, and until the same shall, upon a Petition to the Court of Chancery in a summary Way, be ordered to be sold for the completing such Purchase in such Manner as the said Court shall think just and direct; and that if the Money arising by the Sale of such Navy, Victualling, or Exchequer Bills, shall exceed the Amount of the original Purchase Money so laid out as aforesaid, then and in that Case only, except as herein-after is mentioned, the Surplus which shall remain,

main, after discharging the Expences of the Application to the said Court, shall be paid and applied to the Person or Purposes to whom the Rents and Profits of any settled Estate shall belong, or to which the Rents and Profits of any Charity Estate shall be applicable; but nevertheless, in respect to the Interest, or any Part of the Interest of Navy, Victualling, or Exchequer Bills, purchased with the Money arising from any Charity Estate, it shall be lawful for the said Court of Chancery to order the same to be applied to the Purposes of the same Charity, or to be detained to accumulate till a Purchase or Purchases shall be found and made, as the said Court shall think fit.

Directions respecting Mortgages.

X. And be it further enacted, That in case the Hereditaments to be purchased under the Authority of this Act, or any of them, shall be in Mortgage jointly with any other Hereditaments and the Mortgagees shall not agree to permit their Mortgage Money to remain upon the Security of the other Hereditaments, and to release the purchased Premises therefrom, and the Mortgagor and Mortgagees shall not come to any Agreement with respect to the Proportion to be paid to the Mortgagees of the Purchase Money, then and in such Case the whole of such Purchase Money shall be paid to the Mortgagee, or if it shall be more than sufficient to discharge what shall be due to him, her, or them, the Surplus shall be paid to the Owner of the Equity of Redemption; and if the Hereditaments to be purchased shall be in Mortgage alone, then such Mortgage shall be discharged out of the Purchase Money to be paid together with an Advance of Interest upon the Principal Money after the Rate reserved by the Mortgage for Six Months, if the Mortgagee shall not have had any Notice of such Payment, or if Notice of such Payment shall have been given to the Mortgagees, but Six Months shall not have elapsed from the Time such Notice shall have been given them, then with an Advance of Interest upon the Principal Money, after the same Rate for such Period of Time as together with the Time which shall have elapsed from the Time when Notice of such Payment shall have been given up to the Time of Payment; and the Mortgagees or Persons receiving such Payment shall not for so doing be liable to any of the Penalties imposed by the Statutes against Usury; but if the Purchase Money to be paid for the Hereditaments in Mortgage shall not be sufficient to discharge the whole of what shall be due upon such Mortgages respectively, then and in such Case the whole of such Purchase Money, shall be paid to the respective Mortgagees, and the Hereditaments comprised in such Mortgages respectively shall be discharged therefrom, but without Prejudice to such Remedies as the respective Mortgagees may have against the respective Mortgagors and their respective Representatives for the Residue of the Money due upon such Mortgages respectively.

Bargains and Sales inrolled, to have the Force of Fines and Recoveries.

XI. And be it further enacted, That all Bargains and Sales whatsoever to be made and acknowledged by any Person or Persons whomsoever, and which shall be inrolled in the Hustings of the said City of any such Messuages, Lands, Tenements, and Hereditaments as shall be purchased by virtue of and for the Purposes of this Act, so far as respects the said United Company, shall absolutely vest the Premises therein mentioned in the said United Company, their Successors and Assigns, according to the Purport, true Intent, and Meaning thereof, and so far as respects the Persons making such Conveyances as aforesaid, the same shall have the Force, Effect, and Operation in Law, to all Intents and Purposes, which any Fine or Fines, Recovery or Recoveries, whatsoever would have had if levied or suffered by the Bargainer or Bargainers, or any other Person or Persons seised of any Estate in the Premises, in Trust for or to the Use of such Bargainer or Bargainers in any legal Manner or Form whatsoever.

Power to make Claims in Five Years after Inrollments, and Provision for Satisfaction on Recovery;

XII. And be it further enacted, That all and every Person and Persons whomsoever, not under any legal Disability to pursue his, her, or their Rights, having or claiming any Right, Title, Term, Interest, Use, Property, Claim, and Demand whatsoever, in Possession, Reversion, Remainder, or Expectancy, into or out of any Messuages, Lands, Tenements, or Hereditaments, which by virtue and for the Purposes of this Act shall be purchased and conveyed, or mentioned or intended to be conveyed by any such Bargain and Sale as aforesaid, shall within the Space of Five Years, to be computed from the Date of the Inrolment of such Bargain and Sale, and all Persons who at that Time shall be under any Legal Disability, shall, within Five Years next after such Disability shall be removed, enter a Memorial of such their Right, Title, Term, Interest, Use, Property, Claim, and Demand, in a Book to be for that Purpose prepared and kept by the Town Clerk of the said City, which Book the said Town Clerk is hereby required to prepare and keep accordingly, and for such Entry he shall be entitled to such Fee, and no other, as the Register of the County of *Middlesex* is by Law entitled to for the Registry of a Memorial containing

containing the same Number of Words; and any Person or Persons, upon establishing such Claim, shall recover from the said United Company the Value and Amount thereof, not exceeding the Amount of the Purchase Money paid for the same Premises by the said United Company, and shall also recover such Interest as shall be equivalent to the Mesne Profits of the Premises during the Time of their being possessed by the said United Company, which they would have been entitled to recover in case this Act had not been made, and the said United Company shall have their Remedy over against the Person or Persons from whom they purchased; and all and every Person or Persons whomsoever not entering such Right, Claim, and Demand within such Time, and in such Manner as aforesaid, or having so entered the same, and not prosecuting such their Right, Claim, or Demand with Effect, within the Space of Five Years, to be computed from the Time of such Entry, shall be for ever barred of all Right, Title, Use, Equity, Property, Claim, and Demand whatsoever, whether in Possession, Reversion, Remainder, or Expectancy, into, upon, or out of the said Premises, and every Part thereof; and the said United Company, and those claiming by, from, or under them, shall be quieted in the Possession of all such Messuages, Lands, Tenements, Hereditaments, and Premises; any Law, Statute, Usage, Matter, or Thing whatsoever to the contrary notwithstanding.

but in Default of Claim or of prosecuting same, all Persons to be barred.

Power to sue for Mesne Profits on Claims established.

XIII. And be it further enacted, That any Person or Persons making such Claim, and recovering thereon as herein-before is mentioned, shall be at Liberty to bring any Action or Suit as he shall think fit, against any Person or Persons who shall have possessed and received the Rents and Profits of the Premises, before the said United Company shall have taken the Possession thereof, for recovering the Mesne Rents and Profits before that Time, in like Manner as might have been done if this Act had not been made.

Power to enforce the summoning a Jury, and the Attendance of Jury and Witnesses.

XIV. And be it further enacted, That the said Court of Mayor and Aldermen shall have Power, from Time to Time, to impose any reasonable Fine or Fines, not exceeding the Sum of Ten Pounds for each Fine, on such Sheriffs, or their Deputy or Deputies, Bailiffs or Agents respectively making Default in the Premises, and on any of the Persons who shall be summoned and returned on any Jury or Juries who shall not appear, or who shall refuse to be sworn on the said Jury or Juries, or being so sworn shall not give his or their Verdict, and also on any Person or Persons who shall be summoned to give Evidence touching any of the Matters aforesaid, and shall not attend, or shall refuse to be sworn, or who being sworn shall refuse to give his, her, or their Evidence, and also on any other Person or Persons who shall, in any other Manner, wilfully neglect his, her, or their Duty in the Premises, contrary to the true Intent and Meaning of this Act; and from Time to Time to levy such Fine or Fines by Distress and Sale of the Offender's Goods, by Warrant under the Hand and Seal or Hands and Seals of any Justice or Justices of the Peace, together with the reasonable Charges of every such Distress and Sale, returning the Overplus (if any) to the Owners.

The Company to make a new Street.

XV. And be it further enacted, That the said United Company shall, with all convenient Speed after the passing of this Act, make and complete such Purchases as they are herein-before authorized to make for the Purpose of enabling them to make the said intended new Street, from *Petticoat Lane* through *Harrow Alley*, and from thence to *White Street*, and that, with all convenient Speed after such Purchases shall be completed, the said United Company shall make and complete the said intended new Street, from the End of *Harrow Alley* where it comes into *Petticoat Lane* aforesaid, in a straight Line to the West End of the same Alley, and from thence to a Line parallel to the West Side of *White Street*, and open such new Street into the Southern End of the said Street called *White Street*, and shall make the said intended new Street and the Extension thereof to *White Street*, at least Sixteen Feet Wide from Wall to Wall, and shall make the Footway at least Two Feet Six Inches Wide, and shall pave the same with *Purbeck* Stone in an effectual Manner, and shall pave the Carriage Way in an effectual Manner, in the same Way, and with the same Kind of Stone, in and with which the Carriage Ways in the other Streets of *London* are most usually paved.

Future Repairs of Street to be made in the same Manner as other publick Streets.

XVI. Provided always, That nothing herein contained shall extend, or be construed to extend, to charge the said United Company alone with repairing or making good the Pavement of the said intended new Street, and the aforesaid Extension thereof, in future; but that, from and after the same shall have been effectually made and paved as aforesaid by the said United Company, the same shall become, continue, and be a publick Lane, Passage, and Highway, and

and shall for ever then after be kept in Repair by such Person or Persons, Companies or Societies, which now are or hereafter shall be chargeable with the Repairs of the publick Streets in the said Parish of *Saint Botolph Aldgate*.

After the new Street made, *Gravel Lane* to be appropriated to the Use of the Company.

XVII. And be it further enacted, That, from and immediately after the intended new Street from *Petticoat Lane* to *Houndsditch* aforesaid shall be opened, paved, and made fit and convenient for the Passage of Carriages and Foot Passengers, the said Lane called *Gravel Lane*, from the Entrance thereof in *Petticoat Lane* aforesaid to the said vacant Ground now leased to the Reverend *Josiah Thompson*, shall cease to be a publick Lane, Passage, or Highway, and shall be and is hereby vested in the said United Company, their Successors and Assigns, as their own private Property.

Power for Court of Directors to appoint a Committee to carry the Act into Execution.

XVIII. And be it further enacted, That it shall and may be lawful to and for the Court of Directors, for the Time being, of the said United Company, and they are hereby authorized and empowered, from Time to Time, to appoint a particular Committee, or any of the Standing Committees of the Court of Directors of the said United Company, to manage and transact such Matters and Things as shall be necessary in or about the Execution of the Purposes intended by this Act; and the Committee so to be appointed shall have such or so much of the Powers and Authorities by this Act given to the Court of Directors for the Time being of the said United Company, as they shall, from Time to Time, think fit or proper to delegate to such Committee.

Empowering the Company to purchase, although they may, together with the Messuages now in their Possession, exceed the Annual Value limited by Law.

XIX. And whereas the Purchases of Ground and Buildings, which the said United Company are hereby authorized to make, together with the other Messuages, Lands, Tenements, and Hereditaments, of which the said United Company are now possessed, will, after the same shall be improved by the new Buildings intended to be made thereon, exceed the annual Value of Messuages, Lands, Tenements, and Hereditaments, in *Great Britain*, which the said United Company are restricted by Law to purchase or be possessed of, and such Purchases and Buildings being necessary to the said United Company; be it further enacted, That it shall and may be lawful to and for the said United Company to purchase the Messuages, Lands, Tenements, and Hereditaments, which they are hereby empowered to purchase, over and besides the other Messuages, Lands, Tenements, and Hereditaments in *Great Britain*, which they are now possessed of, and to build upon and improve all and every the same Premises so to be purchased, and also those of which the said Company are now possessed, in such Manner as they shall think fit, although the same Premises shall or may, in Yearly Value, exceed the Yearly Value of Messuages, Lands, Tenements, or Hereditaments, to which the said Company's Purchases and Possessions, in *Great Britain* are limited; any Law or Statute to the contrary in any wise notwithstanding.

Respecting Actions to be brought for any Thing done under this Act.

XX. And be it further enacted, That if any Action shall be brought, or Suit commenced, against any Person or Persons for any Thing done in pursuance of this Act, or in Relation to the Premises, or any of them, such Action or Suit shall be laid or brought within Six Months after the Fact done, and shall be laid or brought in the City of *London*, and not elsewhere; and the Defendant or Defendants in such Action may plead the General Issue, and give this Act and the special Matter in Evidence on any Trial to be had thereon, and that the same was done in Pursuance and by the Authority of this Act; and if the same shall appear to have been so done, or if any Action or Suit shall not be brought within the Time before limited, or shall be brought in any other County or Place than as aforesaid, then the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become nonsuit, or suffer Discontinuance of his, her, or their Action or Actions, or if a Verdict shall pass against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Double Costs, and shall have such Remedy for recovering the same as any Defendant or Defendants hath or have for Costs in other Cases by Law.

Publick Act.

XXI. And be it further enacted, That this Act shall be deemed a Publick Act, and shall be taken Notice of as such, by all Judges, Justices, and other Persons whomsoever, without its being specially pleaded.

37 GEORGII III. Cap. XXXI.

An Act to enable the East-India *Company to raise Money by further increasing their Capital Stock, and to extend the Provisions now existing respecting the present Stock of the Company to the said increased Stock.* [7th *March* 1797.]

Preamble.

WHEREAS the Affairs of the United Company of Merchants of England trading to the *East Indies* require a permanent Advance of a considerable Sum of Money beyond what the said Company can raise under the Powers now vested in them by Law; and it is expedient that such Money should be raised by an Increase of their Capital Stock; may it therefore please Your most Excellent Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for the said United Company, and they are hereby authorized and empowered, by and with the Consent and Approbation of the Commissioners of His Majesty's Treasury, for the Time being, or any Three or more of them, or of the High Treasurer for the Time being, from Time to Time, and at any Time or Times hereafter, to open Books and receive Subscriptions from any Person or Persons, Natives or Foreigners, Bodies Politick or Corporate, for enlarging their present Capital Stock or Fund of Six Millions of Pounds to any Sum or Sums, not exceeding the further Sum of Two Millions Capital Stock; so that their whole Capital Stock shall not exceed the Capital Sum of Eight Millions; which said additional Capital Stock shall from Time to Time be subscribed and paid for at such Rate for every One hundred Pounds of such Stock as the Court of Directors of the said United Company, with the Consent and Approbation of the Commissioners of His Majesty's Treasury for the Time being, or any Three or more of them, or of the High Treasurer for the Time being, shall direct; which said Subscriptions shall be made, and the Money for the said additional Stock shall, from Time to Time, be paid, in such Manner and Form, and by such Instalments and Proportions, as the said Court of Directors, with such Consent and Approbation as aforesaid, shall appoint; and the Capital Stock so subscribed and paid for, shall, from and after the Time of such Payment, be deemed, considered, and taken, as and for a Part of the Capital Stock of the said Company; and the said Subscribers, from and after the Time of making full Payment for the said additional Stock, and their respective Executors or Administrators and Assigns, shall at all Times be deemed and reputed to be Members of the said United Company, and incorporated therewith, and shall be entitled unto, and have, hold, and enjoy all and every the Profits, Benefits, Privileges, Advantages, and Immunities, and be subject and liable to all and every the Regulations, Rules, and Orders, whereto the present Stockholders and Members of the said United Company, in respect of the Stock held by and belonging to them, are respectively entitled, subject, and liable unto by any Act or Acts of Parliament, Charter, or Bye-law, or otherwise howsoever; and the said additional Stock shall be transferrable and assignable in the like Manner, and the Proprietors and Holders thereof shall hold their respective Shares of the said additional Stock in like Manner, as the respective present Stockholders of the said Company now do, and hereafter shall hold and enjoy the respective Sums now belonging to them in the present Capital Stock of the said United Company, and the same shall in all respects be consolidated and united as One Joint Stock.

The Company, with consent of the Treasury may add 2,000,000*l.* to their Capital Stock.

Subscribers to be incorporated with the Company.

II. And be it further enacted by the Authority aforesaid, That the said United Company shall and may, from Time to Time, make and pay the like Dividends to the Proprietors of the said additional Stock as they now do, and hereafter shall and may make and pay to the Proprietors and Holders of the present Stock of the said United Company, the First of which said Dividends shall commence from such Time as shall be specified in the Proposals or Terms to be offered for the said Subscription, by the said Court of Directors, with such Consent and Approbation as aforesaid.

The like Dividends to be paid on the additional as on the present Stock.

III. Provided nevertheless, and be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Court of Directors, with such Consent and Approbation as aforesaid, to give the Option and Preference in subscribing for the said additional Stock, to

Preference to be given to present Proprietors, not exceeding 50*l.* per *Cent.* on their Capital.

to such Persons as shall hold the said Company's Stock at the Time or Times of such Subscription as aforesaid, as far as and not exceeding the Amount of Fifty Pounds *per Centum* on the Capital Stock, which shall then be held by each Stockholder so subscribing, for all such Sums as they shall subscribe, on or before a Day to be named by the said Court of Directors, with such Consent and Approbation as aforesaid; and in case the Subscriptions made by them, on or before such Day, shall exceed the Sum proposed to be sold at that Time, a proportionable Deduction shall be made from each Subscription, and if such Subscription shall, on the Close thereof on such Day as aforesaid, fall short of the Sum proposed to be sold, the Deficiency shall be disposed of to other Persons, as the said Court of Directors, with such Consent and Approbation as aforesaid, shall think fit.

If their Subscriptions be more than sufficient, a proportionable Deduction to be made; and if less, the Deficiency may be supplied by others.

IV. Provided always, and be it further enacted by the Authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to prevent or restrain the Court of Directors of the said United Company, by and with such Consent and Approbation as aforesaid, from agreeing with One or more Person or Persons, Bodies Politick or Corporate, for the Sale of the Whole of the said additional Capital Stock, or for such Part or Parts thereof, as they shall from Time to Time think fit, and find it necessary and proper to sell; but it shall and may be lawful for the said Court, with such Consent and Approbation as aforesaid, to contract for and agree to sell the Whole, or any Part thereof, to One or more Person or Persons.

The additional Stock, with Consent of the Treasury, may be sold to One or more Persons.

V. And be it further enacted by the Authority aforesaid, That as soon as reasonably may be after the Deposit or First Payment shall be made for the said additional Stock to be subscribed for, the said Company's Cashier or Treasurer shall give a Receipt for the same, and so from Time to Time as future Payments shall be made; which said Receipts shall be assignable and transferrable by Indorsement thereon; and when the last Payment shall be made on the said additional Stock to be subscribed for as aforesaid, the Holder of such Receipt, on delivering up the same, shall have his or her Name entered in proper Books to be kept by the said United Company for that Purpose, with an Account of the Capital Stock belonging to each Proprietor in like Manner as the Accounts of the present Proprietors of *India* Stock are kept.

Receipts to be given for Deposits, which may be assigned, &c.

VI. Provided always nevertheless, and be it further enacted, That in case any Subscriber or Subscribers, after having subscribed, shall fail in making all or any the Payments agreed at the respective Times for such Payments, then and in every such Case the said United Company shall and may take in Subscriptions for, and sell the Stock subscribed for by such Defaulter, to any other Person or Persons; and all Deposits and Payments made by such Defaulter, previous to such Default, shall be forfeited to and become the Property of the said United Company.

Deposits of Defaulters to be forfeited.

VII. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for any Guardian or Trustee having the Disposition of the Money of any Infant, to subscribe and pay for the said additional Stock, or any Part thereof, upon the Terms and Conditions contained in this Act; and such Infant, upon the Payment of such Sum or Sums by such Guardian or Trustee, shall be entitled unto the Stock so subscribed and paid for on his Account, and to all Advantages in respect thereof, in like Manner as any other Purchaser or Subscriber; and the said Guardian or Trustee, as to the Sum or Sums advanced by him, shall be, and is hereby discharged in respect thereof, so as the Name of such Infant shall be expressed in the Receipt or Receipts for such Money.

Guardians may subscribe for Infants.

VIII. And whereas, by an Act made in the Thirty-third Year of the Reign of His present Majesty, intituled, *An Act for continuing in the* East India Company, *for a further Term, the Possession of the* British *Territories in* India, *together with their exclusive Trade, under certain Limitations; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same; for appropriating to certain Uses the Revenues and Profits of the said Company; and for making Provision for the good Order and Government of the Towns of* Calcutta, Madras, *and* Bombay, it was (amongst other Things) enacted, That, during the Continuance of the exclusive Trade to the said Company, the Net Proceeds of their Sales of Goods at Home, with the Duties and Allowances arising by private Trade, and all other Profits of the said Company in *Great Britain*, after providing for the Payment of Bills of Exchange then already accepted by the said Company, as the same should become due, and for the current Payments of other Debts, Interest, and other Outgoings, Charges, and Expences of the said Company (their Bond Debt always excepted), should be applied and disposed of in the following

33 *Geo.* III. Cap. 52, recited.

following Manner; (that is to say), First, in the Payment of a Dividend after the Rate of Ten Pounds *per Centum per Annum*, on the present or any future Amount of the Capital Stock of the said Company, the First Half-year's Payment thereof to commence and be made at *Midsummer* One thousand seven hundred and ninety-three; Secondly, in Payment of Five hundred thousand Pounds *per Annum*, the same to be set apart on the First Day of *March* and the First Day of *September*, Half-yearly, in equal Portions, and applied in the Discharge of Bills of Exchange drawn or to be drawn in *India*, for the Transfer or Remittance of the Debts of the said Company from thence to *Great Britain*, for the Diminution of such Debts, until the same should be reduced to Two Crores of Current Rupees, or Two Millions of Pounds Sterling; Thirdly, in Payment of a Sum not exceeding Five hundred thousand Pounds in every Year, into the Receipt of His Majesty's Exchequer, to be applied as Parliament should direct; and that, until the said Debts in *India* should be reduced to the Amount of Two Crores of Current Rupees, or Two millions of Pounds Sterling, the ultimate Surplus which should remain of the said Net Proceeds, after such Payments thereout made as aforesaid, should and might be from Time to Time set apart and applied in Augmentation of the said Fund or Annual Sum of Five hundred thousand Pounds a Year, thereby appropriated for the Reduction of the said Debts in *India*, in and for the Reduction thereof by the Discharge of any further Bills of Exchange to be drawn from thence either for the Transfer and Remittance thereof to *Great Britain*, or for Loans of Money to be borrowed on the Credit of any Bills of Exchange which should be granted by the Order of the Court of Directors to any greater Amount than was therein before limited or directed in that Behalf, or otherwise it should be lawful for the said Court of Directors to apply any Part of the said ultimate Surplus of the said Net Proceeds in the Payment of any Debts of the said Company in *Great Britain* (the Bond Debt therein mentioned, of One million five hundred thousand Pounds only excepted), or to the Purchase of any Goods, Wares, or other Merchandize, to be disposed of in *India* or *China*, and to appropriate the Produce thereof in and towards the more speedy Diminution of the said Debts in *India*, and that when and so soon as the said Debts in *India* should have been reduced to the Amount therein before limited in respect thereof, and the Bond Debt in *Great Britain* to One million five hundred thousand Pounds, the Surplus of the said Net Proceeds, after providing for the current Payments of Interest, and other Outgoings, Charges, and Expences, of the said Company, and of a Dividend after the Rate of Ten Pounds *per Centum per Annum* on the said Capital Stock, and the said Annual Sum of Five hundred thousand Pounds to be paid into the Exchequer, and after making good all former Deficiencies in the said Annual Payments, otherwise than was provided by the said Act, should be applied and disposed of in the Manner following; (that is to say), One Sixth Part of the said Surplus, computed and adjusted to the First Day of *March* in every Year, should be reserved and retained by the said Company for their own Use, and applied in Augmentation of the Dividends on their Capital Stock, and that the Residue of the said Surplus should be set apart, and from Time to Time paid by the said Company into the Bank of *England*, within the First Week in *April* in each Year, to be there placed to the Account of the Commissioners appointed by an Act of the Twenty-sixth Year of His Majesty's Reign, intituled, *An Act for vesting certain Sums in Commissioners, at the End of every Quarter of a Year, to be by them applied in the Reduction of the National Debt*, until the Monies so paid, together with the Sums arising by the growing Interest thereof, should have amounted to Twelve millions of Pounds Sterling; and that, from and after such Payments, together with the Money so arising by the said growing Interest, should have amounted to the said Sum of Twelve millions of Pounds Sterling, the said Surplus should be, from Time to Time, paid into the Receipt of His Majesty's Exchequer, and be there placed to the Account of the Consolidated Fund, as the Property of the Publick, in full Right. And it was thereby further enacted, that the Governor and Company of the Bank of *England* should raise, and keep an Account with the said Commissioners in their Books, to be intituled, *The Account of the Guarantee Fund of the United Company of Merchants of* England *trading to the* East Indies; and that as well all such Monies as should be paid by the said United Company to the said Governor and Company, by virtue of that Act, as also the annual Dividends or Interest to arise therefrom, in Manner by that Act provided, should be placed to the said Account, and should be severally and respectively, under the Order and Direction of the said Governor and Company of the Bank of *England*, laid out and invested in the Names of the said Commissioners in the Purchase of Capital Stock in any of the redeemable Publick Annuities transferrable at the Bank of *England*, the same to be transferred to the said Commissioners, on Account of the said Guarantee Fund in the Books of the said Governor and Company of the Bank of *England*, and that the Dividends payable thereon, should from Time to Time be-

be received by the said Governor and Company of the Bank of *England*, and be placed to the Account of the said Commissioners: And it was thereby further enacted, that when and after the Monies paid by the said United Company to the said Governor and Company of the Bank, together with the Monies received for Dividends on the Capital Stock of Annuities purchased therewith, and with the Proceeds thereof, should have amounted to Twelve millions of Pounds Sterling, the Dividends of the said Capital Stock of Annuities should, in preference to any other Disposition thereof, be subject and liable to make good to the said United Company, for and during such Time as they shall continue to trade with a Joint Stock, any Deficiency or Deficiencies in their own Funds, applicable to the Payment of the Dividends in the said Act mentioned of Ten Pounds *per Centum per Annum* on the Capital Stock of the said United Company, if any such Deficiency should happen in such Payment or Payments; and that when there should be no such Deficiency, or being such after the same should be made good out of the said Dividends, such Dividends, or the Surplus thereof, should be deemed to be the Property of the Publick, and should be paid; when and as often as the same should arise, by the Governor and Company of the Bank of *England* into the Receipt of the Exchequer, and be there carried to the Account of the Consolidated Fund: And it was further enacted, that the Capital Stock of Annuities wherein or in the Purchase whereof the said Sum of Twelve millions of Pounds Sterling should be invested pursuant to the Directions of that Act, should be deemed and considered as a Guarantee Fund for the better securing to the said United Company their Capital Stock, or the Value thereof, such Value being always computed for that Purpose after the Rate of Two hundred Pounds for every One hundred Pounds of such Capital Stock; and that if at the Time of the Right and Title of the said United Company to the said whole, sole, and exclusive Trade (limited as in the said Act is mentioned) becoming determined, their own Funds and Assets, Real and Personal, should be insufficient to pay and satisfy all their just Debts, and to make good to the said Company their said Capital Stock, or the Value thereof, computing the same after the Rate of Two hundred Pounds for every One hundred Pounds of the said Stock; that then the said Capital Stock of Annuities, or Guarantee Fund, should be deemed and considered, as far as the same should or might extend for that Purpose, to be, in the First Place, and before any other Application thereof, subject and liable to make good to the said Company and their Creditors the Deficiency so arising in their own Funds and Effects for the Purpose aforesaid; and that the said Capital Stock of Annuities, or the Surplus thereof, after making good such Deficiency (if any such there should be) should remain and continue as a Guarantee Fund, for the better securing the Capital Stock of the said United Company, or the Value thereof, rating the same as aforesaid, after such Determination of their whole, sole, and exclusive Trade, for so long Time as they should continue to trade with a Joint Stock, and subject thereto; and after making good all such Deficiencies, the said Capital Stock of Annuities, or so much thereof as should then remain, should be and be deemed the Property of the Publick, as by the said recited Act may appear: And whereas it is just and expedient that, after the Stock of the said Company shall be encreased, the said Guarantee Fund should be also encreased, so as to give the Proprietors of the said encreased Stock the same Security and Benefit as the Proprietors of the present Stock of the said Company are entitled to; be it therefore further enacted by the Authority aforesaid, That, from Time to Time when and as the said Company's Stock shall be encreased, the said Fund, in the said recited Act, called *The Guarantee Fund*, shall also be encreased, by the Means and in the Manner in which the said Guarantee Fund of Twelve millions of Pounds Sterling is to be raised, so that the same may amount to the Sum of the Capital Stock of the said Company, computing the same at such Rate as in the said recited Act is mentioned; and the said Guarantee Fund, so encreased as aforesaid, shall be subject unto and a Security for such Payments, and shall be applied in the same Manner in every Respect, to all Intents and Purposes, as the said Guarantee Fund is directed to be paid and applied, so as to secure and make good to the Creditors of the said Company any Deficiency of their Funds for the Payment of Debts, and also any Deficiency to the Proprietors of the said increased Stock, as well as the Proprietors of the present Stock of the said Company, of the said Dividend of Ten Pounds *per Centum*, and of the Value of the said Stock, at the Times and under the Circumstances in the said Act mentioned, rating such Value at Two hundred Pounds for every One hundred Pounds Capital Stock, as in the said Act is mentioned.

As the Stock shall be encreased, the Guarantee Fund, mentioned in the recited Act, to be also encreased

IX. And whereas, by the said Act made in the Thirty-third Year of the Reign of His present Majesty, taking Notice of a Fund separately belonging to the said United Company, and

33 *Geo.* III. Cap. 52, further recited.

and therein called *The Company's separate Fund*, it was enacted, that the said separate Fund, or the Monies constituting the same, should continue in the Hands of the said Company, bearing Interest, and be employed in their Trade, subject to the Payment of such Dividends as were therein-after specified; and that the said separate Fund, with the growing Interest thereof, should be divided and distributed in the Manner therein-after mentioned, and in no other Manner whatsoever, that is to say, that after Payment should be made by the Company into His Majesty's Exchequer of the Two First Instalments of Two hundred and fifty thousand Pounds each, which by force and virtue of that Act would become due from the said Company to the Publick on the First Day of *July* One thousand seven hundred and ninety-three, and the First Day of *January* One thousand seven hundred and ninety-four, respectively, or otherwise, after setting apart a sufficient Sum for such Payments (which said Payments were duly made agreeable to the Provision of the said Act), it should be lawful for the said Company, out of the said separate Fund, and the Interest or growing Income thereof, to make and declare a Dividend or Dividends after the Rate of Ten Shillings *per Centum per Annum* on the present or any future Amount of their Capital Stock, which said Dividend or Dividends should be paid and payable to the said Company over and above any other Dividend or Dividends which should become due in respect thereof; and that after the Expiration of the further Term thereby granted in the said exclusive Trade, it should be lawful for the said Company to retain and dispose of what should then remain of the said Company's separate Fund, or of the Monies constituting the same, and the Interest or other Annual Proceeds thereof, in such Manner as they should then think fit: And whereas the Payment of the said Dividend of Ten Shillings *per Centum* to the Proprietors of the said increased Stock out of the said separate Fund as in the said recited Act is mentioned, will exhaust the same long before the Expiration of the Term of the said exclusive Trade, to the Injury of the present Proprietors of the Stock of the said Company, who would thereby be deprived of such Dividend for the Remainder of the said Term, and in regard the Money to be raised by the said increased Stock is for the mutual Benefit of the Publick and the said United Company, it is fit that the said Dividend should be considered as a Charge upon the said Trade; be it therefore further enacted by the Authority aforesaid, That the said Dividend of Ten Shillings *per Centum*, which under the Authority of the said recited Act will be payable to the Proprietors of the said increased Stock out of the said separate Fund, shall be paid to them out of the Annual Profits of the said Company, in the same Manner, and at the same Times, as the Dividend of Ten Pounds *per Centum* in the said Act mentioned is to be paid to the Proprietors of the Stock of the said Company; and for that Purpose a Sum equal to the Amount of such Dividends shall, from Time to Time, be debited to the Annual Account, as a Charge on the said Trade, and carried to the Account of the said separate Fund; any Thing in the said recited Act to the contrary notwithstanding.

Dividend of 10*s. per Cent.* payable under recited Act, out of the separate Fund, to be paid out of the Profits of the Company.

X. And be it further enacted by the Authority aforesaid, That this Act shall be deemed and taken to be a Publick Act; and shall be judicially taken Notice of as such, by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

Publick Act.

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37 GEORGII III. Cap. LXIII.

An Act for granting to Foreign Ships put under His Majesty's Protection, the Privileges of Prize Ships, under certain Regulations and Restrictions; and for allowing Aliens in Foreign Colonies surrendered to His Majesty, to exercise the Occupations of Merchants or Factors. [25*th May*, 1797.]

Preamble.

WHEREAS, in consequence of Articles of Capitulation, whereby certain Foreign Colonies or Settlements, or Parts thereof, have been or may hereafter be surrendered to His Majesty during the present War, certain Foreign Ships and Vessels may have been put or may be put under His Majesty's Protection: And whereas the said Ships and Vessels, not being taken and

condemned as lawful Prize in any Court of Admiralty, cannot by the Laws now in force be registered as Prize Ships, and be entitled to the Privileges and Advantages of such Ships: And whereas it is just and expedient that Ships or Vessels which shall have been or may be so put under His Majesty's Protection, should be admitted in like Manner as Prize Ships to the Privileges and Advantages of *British* Ships or Vessels, under certain Regulations and Restrictions; be it therefore enacted by the King's most Excellent Majesty by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all Foreign Ships and Vessels which, in consequence of any such Capitulation, shall have been or may be so put under His Majesty's Protection, at the Time of or in consequence of the Surrender of any Foreign Colony or Settlement, or Part of any Foreign Colony or Settlement, to His Majesty, shall and may be registered in like Manner as Ships taken and condemned as lawful Prize may, by the Laws now in force, be registered, and shall by virtue thereof become entitled to the Privileges and Advantages of *British* Ships or Vessels, under the Regulations and Restrictions herein after mentioned: Provided always, that no such Ship or Vessel shall be so registered but upon producing a Certificate under the Hand and Seal of the Person who commanded in chief by Sea or by Land at the Time when such Foreign Colony or Settlement, or Part of Foreign Colony or Settlement, was surrendered to His Majesty; or in case of the Death or Departure of any such Officer before such Certificate shall have been so given, then upon a like Certificate under the Hand and Seal of the Person who shall command in chief by Sea or by Land at such Colony or Settlement, or Part of such Colony or Settlement, testifying that such Ship or Vessel was put under the Protection of His Majesty at the Time of or in consequence of such Surrender, and upon Oath being made and subscribed before the Person or Persons authorized to make such Registry, and grant such Certificate of Registry respectively (which they are hereby respectively empowered to administer), by the Owner of such Ship or Vessel, if such Ship or Vessel is owned by or belongs to One Person only, or in case there shall be Two joint Owners then by both of such joint Owners, if both shall be resident within Twenty Miles of the Port or Place where such Register is required, or by One of such Owners, if One or both of them shall be resident at a greater Distance from such Port or Place, or if the Number of such Owners or Proprietors shall exceed Two, then by the greater Part of the Number of such Owners or Proprietors, if the greater Number of them shall be resident within Twenty Miles of such Port or Place as aforesaid, not in any Case exceeding Three of such Owners or Proprietors, or by One of such Owners, if all shall be resident at a greater Distance, declaring in the Form and Manner herein after directed, that such Ship or Vessel is wholly owned by natural-born *British* Subjects, or by Aliens that have been naturalized or made Denizens, or by Persons who have become *British* Subjects by virtue of some Capitulation or Conquest, as aforesaid, and have taken the Oath of Fidelity and Allegiance to His Majesty, in consequence of such Capitulation or Conquest, or by any or either of the before-mentioned Descriptions of Persons, and none other: Provided also, that such Registry shall not be made, nor Certificate of such Registry be granted, for any Ship or Vessel that has been or may be so put under His Majesty's Protection at the *Cape of Good Hope*, or Places adjoining thereto, but at the Port of the *Cape Town*; nor for any Ship or Vessel that has been or may be so put under His Majesty's Protection in any Part of the Island of *Ceylon*, or of the Parts to the Eastward of the Island of *Ceylon*, but in the Port of *Columbo* in the Island of *Ceylon*; nor for any Ship or Vessel that has been or may be so put under His Majesty's Protection in any Part of the Coast of *Malabar*, but in the Port of *Cochin*; nor for any Ship or Vessel that has been or may be so put under His Majesty's Protection in the Island of *Trinidad* in the *West-Indies*, but in the Port of *Scarborough* in the Island of *Tobago*; nor for any Ship or Vessel that has been or may be so put under His Majesty's Protection in the Settlement of *Demerary* on the Continent of *South America*, but in the Port of *Scarborough* in the Island of *Tobago*; and that the said Ports of *Cape Town*, *Columbo*, and *Cochin*, and the said Port of *Scarborough*, shall respectively, for the Purpose of such Registry, be deemed and taken to be the Ports to which such Ship or Vessel belongs.

Foreign Ships put under His Majesty's Protection, to be registered as Prize Ships, and entitled to the Privileges of *British* Vessels under certain Regulations.

Where Registry of such Vessels is to be made.

II. And be it further enacted, That the Oaths before directed to be taken shall be in the Form and Manner following:

Oath to be taken in the following Form.

I *A. B.* of [*Place of Residence and Occupation*], do make Oath that the Ship or Vessel [*Name*] of [*Port or Place*] whereof [*Master's Name*] is at present Master, being [*Kind of Built, Burthen, et cetera, as described in the Certificate of the Surveying Officer*] was [*when and where built, or if Prize, Capture, and Condemnation, or if put under His Majesty's Protection, when and where*]; and that I the said *A. B.* [*and the other Owners' Names and Occupations, (if any), and where they respectively reside, videlicet, Town, Place, or Parish, and County, or if Member of and Resident in any Factory in Foreign Parts, or in any Foreign Town or City, being an Agent for or Partner in any House of Trade, or Copartnership, actually carrying on Trade in Great Britain or Ireland, the Name of such Factory, Foreign Town, or City, and the Names of such House or Copartnership*], am [*or* are] sole Owner [*or* Owners] of the said Vessel, and that no other Person or Persons whatever have or hath any Right, Title, Interest, Share, or Property, therein or thereto; and that I the said *A. B.* [*and the said other Owners, if any*], am [*or* are] truly and *bona fide* a Subject [*or* Subjects] of *Great Britain*, and that I the said *A. B.* have not [*nor have any of the other Owners to the best of my Knowledge and Belief*] taken the Oath of Allegiance to any Foreign State whatever, [*except under the Terms of some Capitulation, describing the Particulars thereof*]; or that since my taking [*or* his, or their taking] the Oath of Allegiance to [*naming the Foreign States respectively to which he or any of the said Owners shall have taken the same*], and prior to the passing of an Act, in the twenty-sixth Year of the Reign of King *George* the Third, intituled, *An Act for the further Increase and Encouragement of Shipping and Navigation*, I have [*or he or they hath or have*] become a Subject [*or* Subjects] of *Great Britain*, [*either by His Majesty's Letters Patent, as a Denizen (or Denizens, or naturalized by Act of Parliament, as the Case may be), naming the Dates of the Letters of Denization, or the Act or Acts of Parliament for Naturalization respectively*]; or [*as the Case may be*] I have [*or he or they hath or have*] become a Denizen [*or* Denizens, *or* naturalized Subject or Subjects, *as the Case may be*] of *Great Britain*, by His Majesty's Letters Patent, or by an Act of Parliament passed since the first Day of *January* One thousand seven hundred and eighty-six, [*naming the Times when such Letters of Denization have been granted respectively, or the Year or Years in which such Act or Acts of Naturalization have passed respectively*]; or that I *A. B.* and the other Owners, if any, having become *British* Subject or Subjects by virtue of a Capitulation or Conquest [*describing the Particulars thereof, as to Place, State, and Parties,*] have [*or he or they hath or have*] taken the Oath of Fidelity and Allegiance to His Majesty the King of *Great Britain*, [*describing the Times when, the Place where, and before whom taken*], in consequence of such Capitulation; and that no Foreigner, directly or indirectly, hath any Share, or Part, or Interest, in the said Ship or Vessel.

Such Vessels may import and export as Prize Vessels.

III. And be it further enacted, That it shall be lawful for any such Ship or Vessel, being registered, and having a Certificate of Registry as aforesaid, and being navigated as *British* Ships are now, or may hereafter be required by Law to be navigated, to import and export to and from any Place or Places whatsoever, such Goods and Merchandizes respectively, and none other, as may be imported by any Ship or Vessel taken and condemned as lawful Prize; such Importations and Exportations to be made in like Manner, and under and subject to the like Duties, Conditions, Regulations, and Restrictions, and subject to the like Penalties and Forfeitures for the Breach thereof, as if the same were made by any Ship or Vessel taken and condemned as lawful Prize: Provided always that such Ships and Vessels so put under His Majesty's Protection, shall not be allowed to import or export any Goods whatsoever to or from any Port in *Europe* not in the Possession of His Majesty.

His Majesty may authorize such Vessels to be registered as Prize Ships in *Great Britain*.

IV. And be it further enacted, That it shall and may be lawful for His Majesty, by and with the Advice of His Privy Council, at any Time on the Arrival of any such Ship or Vessel in any Port of *Great Britain*, upon Application to him made, and upon Consideration of such Circumstances as shall satisfy His Majesty of the Expediency thereof, to authorize any such Ship or Vessel (without Payment of any Duty whatever for the said Ship or Vessel, or the Sails and other necessary Tackle, Apparel, and Furniture thereof), to be registered, and to have a Certificate thereof, as in the Case of a Prize Ship, in any Port in the Kingdom of *Great Britain*; and such Ship or Vessel so registered shall, in such Case, be entitled to all the Privileges and Advantages which belong, by Law, to Ships taken and condemned as lawful Prize.

12 Car. II. Cap. 18, recited.

V. And whereas, by an Act, passed in the Twelfth Year of the Reign of King *Charles* the Second, intituled, *An Act for the encouraging and increasing of Shipping and Navigation*, it is enacted, That no Alien, or Person not born within the Allegiance of our Sovereign Lord the King, His Heirs and Successors, or naturalized or made a free Denizen, shall exercise the Trade or Occupation of a Merchant or Factor in any Lands, Islands, Plantations, or Territories, to

to His Majesty belonging or in His Possession, or which might thereafter belong unto or be in the Possession of His Majesty, His Heirs and Successors, in *Asia*, *Africa*, or *America*, upon Pain of the Forfeiture and Loss of all his Goods and Chattels, or which are in his Possession; be it enacted, That every Person, although an Alien born, and neither naturalized nor made a free Denizen, who shall reside in any Island or Place which has surrendered, or which shall hereafter surrender, to His Majesty, and be in His Majesty's Possession, and who shall have taken the Oath of Fidelity and Allegiance to His Majesty, according to the Terms of the Capitulation under which such Island or Place shall have surrendered, shall be, and shall from the Time of such Surrender be deemed to have been, entitled to exercise the Trade or Occupation of a Merchant or Factor in any such Island or Place, during so long Time as the same shall remain and be in the Possession or under the Protection of His Majesty, His Heirs or Successors; any Thing in the said Act contained to the contrary notwithstanding; subject, nevertheless, to such Laws and Regulations as His Majesty's Subjects shall and may be liable to in the same Islands or Places.

Aliens residing in any Place surrendered to His Majesty, may act as Merchants or Factors.

VI. Provided always, and be it further enacted, That this Act, or any Thing herein contained, shall not extend, or be construed to extend, to take away, abridge, vary, or alter, any of the Rights or Privileges belonging to, and vested in, the United Company of Merchants of *England* trading to the *East Indies*, by any Charter, Act of Parliament, or otherwise whatsoever, respecting Persons resident in, or carrying on, or being concerned in any Trade to, from, or in any Place or Places within the Limits of the exclusive Trade of the said United Company; but all Persons resident, and all Trade to be carried on within the said Limits, under the Authority of the said Capitulations, or of this Act, shall be subject unto all and every the Prohibitions, Restrictions, Regulations, Licences, Duties, and Conditions, in all Respects as the Residence and Trade of any *British* Subject is now liable to by Law, and shall be subject to the like Penalties and Forfeitures, and all other Matters and Things which any *British* Subject, and the Goods, Merchandize, and Trade of any *British* Subject, would be subject and liable to by Law for doing any Thing in Violation of the Rights and Privileges of the said United Company; any Thing herein-before contained to the contrary thereof in any-wise notwithstanding.

Act not to abridge the Rights of the *East India* Company.

VII. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the respective Governors or Lieutenant Governors, or Officers commanding in chief of the *Cape of Good Hope*, of the Island of *Ceylon*, and of *Cochin* on the Coast of *Malabar*, or of the Island of *Trinidad* in the *West Indies*, or of the Settlement of *Demerary* on the Continent of *South America*, to administer the Oaths, grant the Certificates, and do all and every other Matters and Things in and about the Registering of the said Ships, which, under the Authority of an Act, made in the Twenty-sixth Year of the Reign of His present Majesty, intituled, *An Act for the further Encrease and Encouragement of Shipping and Navigation*, may be done by the Governor, Lieutenant Governor, or Commander in Chief, and principal Officer or Officers of His Majesty's Revenue of Customs, in any of His Majesty's Colonies, Plantations, Islands, or Territories in *America*, respecting the registering of Ships there; and the said Governors or Lieutenant Governors, or Officers commanding in chief at such Places respectively, shall appoint such Officers under them as they shall think proper, for surveying the Ships to be registered, and for doing all other Things relating thereto, which, in and by the said Act, is to be done by certain Officers of the Customs therein mentioned.

Governors of *Cape of Good Hope*, &c. may administer Oaths, grant Certificates of Registry, &c. agreeably to 26 *Geo.* III. Cap. 60.

37 GEORGII III. Cap. LXXIV.

An Act to enable the East-India *Company to pay the Expences of Two Regiments of Infantry to be raised for the Defence and Protection of the House and Warehouses of the said Company, and for such Public Services as are mentioned in an Act, made in the Thirty-fourth Year of the Reign of His present Majesty, intituled,* An Act for encouraging and disciplining such Corps or Companies of Men as shall voluntarily enroll themselves for the Defence of their Counties, Towns, or Coasts, or for the general Defence of the Kingdom, during the present War.

[6th *June* 1797.]

Preamble.

WHEREAS by an Act, made and passed in the Thirty-third Year of the Reign of His present Majesty, intituled, *An Act for continuing in the* East India *Company, for a further Term, the Possession of the* British *Territories in* India, *together with their exclusive Trade, under certain Limitations; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same; for appropriating to certain Uses the Revenues and Profits of the said Company; and for making Provision for the good Order and Government of the Towns of* Calcutta, Madras, *and* Bombay; it was, amongst other Things, enacted, that during the Continuance of the exclusive Trade to the said Company, the net Proceeds of their Sales of Goods at Home, with the Duties and Allowances arising by private Trade, and all other Profits of the said Company in *Great Britain*, after providing for the Payment of Bills of Exchange already accepted by the said Company as the same should become due, and for the current Payments of other Debts, Interest, and other Outgoings, Charges, and Expences of the said Company, (their Bond Debt always excepted), should be applied and disposed of in the Manner in the said Act particularly mentioned: And whereas by an Act, made and passed in the Thirty-fourth Year of the Reign of His present Majesty, intituled, *An Act for encouraging and disciplining such Corps or Companies of Men as should voluntarily enrol themselves for the Defence of their Counties, Towns, or Coasts, or for the general Defence of the Kingdom, during the present War*; it was, (amongst other Things) enacted, that any Corps or Companies of Volunteers who then were, or should thereafter be formed, in any Counties or Towns in *Great Britain*, during the Continuance of the present War, under Officers having Commission from His Majesty, or from the Lieutenants of Counties, or others who might be specially authorized by His Majesty for that Purpose, and who should at any Time, on being called upon by special Direction of His Majesty, in case of actual Invasion, or Appearance of Invasion, voluntarily march out of their respective Counties or Towns, or should voluntarily assemble within the same, to repel such Invasion, or who should voluntarily march, on being called upon in pursuance of an Order from His Majesty, or from the Lord Lieutenant or Sheriff of the County, to act within the County, or the adjacent Counties, for the Suppression of Riots or Tumults, should in such Cases be entitled to receive Pay in such Manner, and at such Rates, as the Officers and Soldiers of His Majesty's regular Forces did then receive, and should, during the Time of their being continued in such Service, and so receiving Pay as above, be subject to Military Discipline, as the Rest of His Majesty's regular and Militia Troops; provided, that no Officer or Soldier of any Volunteer Corps should be liable to be tried or punished by any Court-Martial, at any Time, unless such Court Martial should be composed entirely of Officers serving in Volunteer Corps formed as aforesaid; such Court Martial to be assembled by Warrant under His Majesty's Sign Manual, or by Warrant from some General or other Officer duly authorized to hold Courts Martial: And whereas the United Company of Merchants of *England* trading to the *East Indies* are desirous, at their own Expence, to raise, form, and maintain, Two Regiments of Infantry Volunteers, under the Provisions of the said last recited Act, to be employed for the Defence and Protection of their House and Warehouses, and, subject thereto, upon such Publick Services as in the said last Act are mentioned; and such their Desire having been submitted to His Majesty's Royal Consideration, His Majesty hath approved thereof, and hath been graciously pleased to grant Commissions to certain Officers for the raising, training, and commanding the said Regiments; but, by reason of the Appropriation of the Revenues of the said United Company

34 *Geo.* III. Cap. 31, recited.

pany to and for the Purposes mentioned in the said recited Act of the Thirty-third Year of His Majesty's Reign, the said United Company cannot pay the Charges and Expences of the said Two Regiments without the Authority of Parliament: Wherefore Your Majesty's loyal and dutiful Subjects, the said United Company, most humbly beseech Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for the said United Company, from Time to Time, to pay all and every the Charges and Expences of raising, training, and cloathing, the said Two Regiments, and also of their Pay and Allowances whilst upon Duty and Service, and to charge the same amongst the Ordinary Outgoings, Charges, and Expences of the said United Company, previous to the Application of the net Proceeds mentioned in the said Act, made in the Thirty-third Year of His Majesty's Reign, to, for, and upon the Purposes in and by the same Act directed; any Thing in the same Act contained to the contrary thereof in anywise notwithstanding.

The *East India* Company may pay the Expences of Two Regiments of Volunteers.

II. And be it further enacted by the Authority aforesaid, That the said Two Regiments shall, in the first Place, be employed in such Manner as by the Court of Directors of the said United Company shall be deemed necessary for the Protection and Defence of the House of the said United Company, commonly called *The East India House*, and of the Warehouses of the same Company; and, subject thereto, shall be employed upon the Services, and for the Purposes upon and for which other Volunteer Corps may be called out and employed under and by virtue of the said recited Act, made in the Thirty-fourth Year of His Majesty's Reign, and during the Time the said Two Regiments shall be employed in the Defence and Protection of the said United Company's said House and Warehouses, they shall be subject to Military Discipline in like Manner as if they were employed in the Services in the said last Act mentioned.

Regiments, while employed, to be subject to Military Discipline.

III. And be it further enacted, That this Act shall be a Public Act, and shall be judicially taken Notice of as such, by all Judges, Justices, and other Persons whomsoever, without the same being specially pleaded.

Public Act.

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37 GEORGII III. Cap. XCVII.

An Act for carrying into Execution the Treaty of Amity, Commerce, and Navigation, concluded between His Majesty and the United States of America.

[*4th July* 1797.]

WHEREAS a Treaty of Amity, Commerce, and Navigation, has been concluded between His Majesty and the United States of *America*: And whereas, by the Eleventh Article of the said Treaty, it is agreed between his Majesty and the United States of *America*, that there should be a reciprocal and entirely perfect Liberty of Navigation and Commerce between their respective People, in the Manner, under the Limitations, and on the Conditions specified in the following Articles of the said Treaty: And whereas, by the Fifteenth Article of the said Treaty, it is further agreed, that no other or higher Duties shall be paid by the Ships or Merchandize of the one Party, in the Ports of the other, than such as are paid by the like Vessels or Merchandize of all other Nations; nor shall any other or higher Duty be imposed in one Country, on the Importation of any Articles, the Growth, Produce, or Manufacture of the other, than are or shall be payable on the Importation of the like Articles, being of the Growth, Produce, or Manufacture of any other Foreign Country; nor shall any Prohibition be imposed on the Exportation or Importation of any Articles, to or from the Territories of the Two Parties respectively, which shall not equally extend to all other Nations: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to import into this Kingdom, directly from any of the Territories of the United States of *America*, in *British*-built Ships or Vessels, owned, navigated, and registered according to Law, or in Ships built in the Countries belonging to the United States of *America*, or

Preamble. Treaty with *America* recited.

Goods may be imported from the United States of *America* into *Great Britain*, in *British*

or any of them, or in Ships taken by any of the Ships or Vessels of War belonging to the Government, or any of the Inhabitants of the said United States, having Commissions or Letters of Marque and Reprisal from the Government of the said United States, and condemned as lawful Prize in any Court of Admiralty of the said United States, of which Condemnation Proof shall be given to the Satisfaction of the Commissioners of His Majesty's Customs, or any Four or more of them, in that Part of *Great Britain* called *England*, and any Three or more of them, in that Part of *Great Britain* called *Scotland*, and owned by the Subjects of the said United States, or any of them, and whereof the Master and Three Fourths of the Mariners at least are Subjects of the said United States, any Goods, Wares, or Merchandize, the Growth, Production, or Manufacture of the said United States, which are not prohibited by Law to be imported from Foreign Countries, and to enter and land such Goods, Wares, and Merchandize, upon Payment of the Duties, and subject to the Conditions and Regulations herein-after mentioned; any Law, Custom, or Usage, to the contrary in anywise notwithstanding.

or *American* Ships, &c. under certain Regulations.

II. And be it further enacted, That all such Goods, Wares, and Merchandize, imported into *Great Britain*, either in such Ships, or in *British*-built Ships, owned, navigated, and registered according to Law (except such Goods, Wares, and Merchandize as are herein after particularly enumerated or described) shall and may be entered and landed, upon Payment of such Duties of Customs and Excise, and no higher, as are payable on Goods, Wares, and Merchandize of the like Denomination or Description, upon their Importation into this Kingdom, in *British*-built Ships, from any other Foreign Country; and in Cases where different Duties are imposed upon Goods, Wares, and Merchandize of the like Denomination or Description, imported from different Foreign Countries, then upon Payment of the lowest Duties which by Law are required to be paid on the Importation, in *British*-built Ships, of any such Goods, Wares, or Merchandize, from any Foreign Country, according to the Schedule and Tables, marked A, D, and F, annexed to an Act, passed in the Twenty-seventh Year of His present Majesty's Reign, intituled, *An Act for repealing the several Duties of Customs and Excise, and granting other Duties in lieu thereof, and for applying the said Duties, together with the other Duties composing the Publick Revenue; for permitting the Importation of certain Goods, Wares, and Merchandize, the Produce or Manufacture of the* European *Dominions of the* French *King, into this Kingdom; and for applying certain unclaimed Monies, remaining in the Exchequer for the Payment of Annuities on Lives, to the Reduction of the National Debt*; or by any other Laws in Force, passed subsequent to the said Act, touching the Duties contained in the said Schedule and Tables, marked A, D, and F, subject also, when imported in *American* Ships, to the countervailing Duties imposed by this Act.

Goods so imported may be landed on Payment of the same Duties as those payable on like Goods imported in *British* Vessels from any other Foreign Country; or where those Duties are different, on Payment of the lowest.

III. And, in order to encourage and promote the Trade from the United States to this Kingdom, be it further enacted, That any Pig Iron, Bar Iron, Pitch, Tar, Turpentine, Rosin, Pot Ash, Pearl Ash, Mahogany, Masts, Yards, and Bowsprits, being the Growth, Production, or Manufacture of the said United States, and all Staves, and unmanufactured Goods and Merchandize whatsoever, which are not prohibited by Law to be imported from any Foreign Country, being the Growth or Production of the said United States, shall or may be imported in *British* or *American* Ships, owned and navigated as herein-before required, upon Payment of such Duties of Customs and Excise as are payable on the like Goods, Wares, and Merchandize, when accompanied with the Certificates required by Law upon their Importation into this Kingdom, in *British*-built Ships, from any *British* Island or Plantation in *America*, notwithstanding such Goods, Wares, or Merchandize, may not be accompanied with the Certificates heretofore required by Law, subject also, when imported in *American* Ships, to the countervailing Duties imposed by this Act.

American Pig Iron, &c. may be so imported on Payment of the same Duties as those payable on the like Goods imported in *British* Ships when accompanied with the requisite Certificates, though not so accompanied.

IV. Provided always, and be it further enacted, That upon the Importation into *Great Britain*, from the said United States of *America*, of Wheat, Wheat Meal or Flour, Rye, Barley, Beer, or Bigg, Oats, Oatmeal, Pease, Beans, *Indian* Corn, and Maize, the Duties to be paid thereon respectively shall be regulated and ascertained according to the Prices of Wheat, Rye, Barley, Beer, or Bigg, Pease, Beans, Oats, and Oatmeal, in the Manner set forth and specified in the Table marked D, in an Act, passed in the Thirty-first Year of His Majesty's Reign, intituled, *An Act for regulating the Importation and Exportation of Corn, and the Payment of the Duty on Foreign Corn imported, and of the Bounty on* British *Corn exported*; any Thing contained in this Act to the contrary notwithstanding.

The Duties on Importation of Wheat, &c. to be ascertained according to the Prices in Table D, in 31 *Geo.* III. Cap. 30.

V. And be it further enacted, That all Oil made from Fish, or Creatures living in the Sea, and Blubber, Whale Fins, and Spermaceti, being the Produce of the Fisheries carried on by the People of the said United States of *America*, may be imported from the Countries of the said United States nto this Kingdom, in *British* or *American* Ships, owned and navigated as herein-before

American Oil, &c. may be imported on Payment of the same Duties as on Importation from Countries not belonging to his Majesty, in *British* Vessels.

before required, upon Payment of such Duties of Customs as are payable on the like Goods and Merchandize, upon their Importation into this Kingdom, in *British*-built Ships, from Countries not under the Dominion of His Majesty; subject also, when imported in *American* Ships, to the countervailing Duties imposed by this Act.

American Tobacco may be so imported on Payment of the like Duties as from *British* Colonies in *America* by *British* Subjects; and Snuff, on the Payment of the like Duties as *European* Production, &c.

VI. And be it further enacted, That any Tobacco, being the Growth or Production of any of the Territories of the said United States of *America*, may be imported in *British* or *American* Ships, owned and navigated as herein-before required, upon Payment of the same Duties of Customs and Excise as Tobacco imported by *British* Subjects, from any *British* Colony or Plantation in *America*, is or may hereafter be subject to; and that any Snuff, being the Production and Manufacture of any of the said Territories, may be imported, in Manner before-mentioned, upon Payment of such Duties of Customs and Excise as Snuff, being the Production or Manufacture of *Europe*, imported from *Europe*, is or hereafter may be subject to, and may be warehoused, and again exported; such Tobacco and Snuff to be subject respectively nevertheless to all and singular the Regulations, Restrictions, Penalties, and Forfeitures, relating to the Importation and Exportation thereof, or in any other Respect relating thereto, of an Act, made and passed in the Twenty-ninth Year of the Reign of His present Majesty, intituled, *An Act for repealing the Duties on Tobacco and Snuff, and for granting new Duties in lieu thereof*; and another Act, passed in the Thirtieth Year of His present Majesty's Reign, intituled, *An Act to explain and amend an Act, made in the last Session of Parliament, intituled, 'An Act for repealing the Duties on Tobacco and Snuff, and for granting new Duties in lieu thereof'*; or of any other Act since made relating thereto, subject also, when imported in *American* Ships, to the countervailing Duties imposed by this Act: Provided always, that such Tobacco shall be accompanied with a Manifest, as by Law required.

American Rice may be imported and warehoused, on Payment of 8*d. per Cwt.*

VII. And be it further enacted, That any Rice, being the Growth or Production of any of the Territories of the United States of *America*, which shall be imported directly from thence into any of the Ports of *Great Britain*, in Manner before-mentioned, may, upon the Importer paying down, in Ready Money, the Duty of Eight-pence the Hundred Weight, being Part of the Duties now payable on the Importation of Rice, be landed and warehoused, except as hereinafter provided, under the joint Locks of His Majesty and the Importer, in such Warehouses as shall be approved of for that Purpose by the Commissioners of His Majesty's Customs, or any Four or more of them, in that Part of *Great Britain* called *England*, or any Three or more of them, in that Part of *Great Britain* called *Scotland*, or by the Collector and Comptroller of His Majesty's Customs of the respective Ports into which such Rice shall be imported, upon the Importer's own Bond for Payment of the Remainder of the Duties due and payable for such Rice, within Eighteen Months, according to the Net Weight and Quantity of such Rice at the Time it shall be so landed: Provided always, That upon the Importation of any such Rice into the Ports of *London*, *Bristol*, *Portsmouth*, *Cowes*, *Liverpool*, *Lancaster*, *Falmouth*, *Poole*, *Whitehaven*, *Hull*, *Greenock*, and *Port Glasgow*, or either of them, in the Manner herein-before expressed, the Importer shall be at Liberty to enter and land the same, without Payment of any Duty whatever, upon Condition that such Rice shall be warehoused, under the joint Locks of His Majesty and the Importers, in such Warehouse or Warehouses as shall be approved of for that Purpose by the Commissioners of His Majesty's Customs, or any Four or more of them, in that Part of *Great Britain* called *England*, or any Three or more of them, in that Part of *Great Britain* called *Scotland*, or by the Collector and Comptroller of His Majesty's Customs of the respective Ports where such Rice shall be imported; and that every Expence attending such warehousing shall be borne by the said Importers; and that such Importer or Importers, or his or their known Servant, shall, from Time to Time, at all seasonable Hours, as Occasion may require, have free Access to such Warehouses, in the Presence of some proper Officer of the Customs, for the Purpose of skreening and shifting the Rice, to prevent it receiving Damage; and that if any Rice, which shall be so imported from the Territories of the said United States into any of the Ports above-mentioned respectively, and warehoused as aforesaid, shall be taken out of the Warehouses, wherein the same shall be secured, under the joint Locks of His Majesty and the Importers as aforesaid, for Home Consumption, the full Duties due and payable by Law, upon the Importation of such Rice into this Kingdom for Home Consumption, and also, when imported in *American* Ships, the countervailing Duty imposed by this Act, shall, previously to its being taken out of such Warehouses, be paid to the Collector of His Majesty's Customs at the Port where such Rice shall be so warehoused, but that such Importer, if he intends to export such Rice, shall have Liberty to export the same from such Warehouses respectively, under the same

and at certain Ports without Payment of any Duty, under certain Conditions.

Importers may have Access to Warehouses.

Rice taken out of Warehouses for Home Consumption, to pay the full Duties,

but may be exported Duty-free, under the subsisting Regula-

Regulations under which such Rice might be exported by Law immediately before the passing of this Act, without Payment of any Duty whatever: Provided, that the Exportation of any such Rice, hereafter to be warehoused under the Authority of this Act, be made within the said Space of Eighteen Months; but if not exported within that Period, that the full Duties payable by Law, and also, when imported in *American* Ships, the countervailing Duty imposed by this Act, shall be paid for the same, and not be afterwards drawn back; and that if any Rice, which shall have been imported into any Port of this Kingdom, not herein-before specially named, and shall have been warehoused upon the Importer's Bond, in Manner aforesaid, shall, within the Time herein before-mentioned, be taken out of the Warehouse wherein it shall have been so secured, to be exported directly from thence, the Bond entered into for the Payment of the said Duties thereon shall be discharged and cancelled by Debenture or Debentures, made out and passed in the usual Manner, for the Quantity or Quantities of Rice duly exported; and if any Rice imported into any Port of this Kingdom, not herein-before specially named, and warehoused in Manner aforesaid, shall be taken out of any such Warehouse for Home Consumption, the Remainder of the Duties due and payable by Law, and also, when imported in *American* Ships, the countervailing Duty by this Act imposed, shall, previously to its being taken out of such Warehouse, be paid to the Collector of His Majesty's Customs at the Port where such Rice shall be so warehoused: Provided, that if any Rice warehoused under the Authority of this Act shall remain in such Warehouse beyond the Period of Eighteen Months, upon which the full Duties due and payable by Law shall not have been paid, then in such Case the same shall and may be sold for the Duties, in like Manner, and under the same Rules, Regulations, and Restrictions as any other Goods are now directed by Law to be sold for the Duties, and the Produce applied in like Manner as is directed by an Act, passed in the Twelfth Year of the Reign of Her late Majesty Queen *Anne*, intituled, *An Act for encouraging the Tobacco Trade.*

tions, within a limited Period.

Bonds for Duties on Rice imported at Ports not herein named, to be cancelled by Debentures, on taking it out of Warehouses for Exportation; but when taken out for Home Consumption the Remainder of the Duties to be paid.

If Duties be not paid on warehoused Rice in 18 Months it may be sold.

VIII. Provided always, and be it further enacted, That nothing herein contained shall be construed to prevent the Importation of Rice and other Articles, without Payment of any Duty whatever, by virtue of an Act, passed in the present Session of Parliament, intituled, *An Act, to prohibit the Exportation of Corn, Meal, Flour, and Potatoes, and to permit the Importation of Corn and other Articles of Provision, for a limited Time, in any Ships whatever, without Payment of Duty*; and in the Manner in the said Act mentioned, during the Continuance thereof.

Act not to prevent the Importation of Rice, &c. Duty-free, under 37 *Geo.* III. Cap. 7.

IX. And be it further enacted, That all Goods, Wares, and Merchandize, so imported from the United States of *America*, shall, upon the Exportation thereof to any Foreign Country, be entitled to the same Drawbacks as are or may hereafter be by Law allowed upon the Exportation of Goods, Wares, and Merchandize of the like Denomination and Description, when exported to any Foreign Country; and that there shall be allowed and paid the same Drawbacks and Bounties on Goods, Wares, and Merchandize, exported from this Kingdom to the Territories of the said United States, or any of them, as are or may hereafter be allowed by Law upon the Exportation of Goods, Wares, or Merchandize of the like Denomination or Description, to any of the Islands, Plantations, or Colonies, belonging to the Crown of *Great Britain* in *America*.

Goods imported from *America*, on Exportation to any Foreign Country, and Goods exported from *Great Britain* to *America*, to be entitled to Drawbacks and Bounties.

X. And be it further enacted, That there shall be allowed and paid the same Drawbacks upon the Exportation of any Sort of Foreign Hemp or Foreign Iron, exported from this Kingdom to any *British* Colony or Plantation in *America*, and to the Territories of the United States of *America*, or any of them, as are or may hereafter be allowed by Law upon the Exportation of the like Sort of Hemp or Iron to other Foreign Parts.

Drawback to be allowed on Exportation of Foreign Hemp and Iron to *America*.

XI. And whereas, by the said Fifteenth Article of the Treaty before mentioned, the *British* Government reserves to itself the Right of imposing such Duty as may be adequate to countervail the Difference of Duty now payable on the Importation of *European* and *Asiatic* Goods, when imported into the United States in *British* or in *American* Vessels, be it therefore enacted by the Authority aforesaid, That, from and after the Fifth Day of *January* One thousand seven hundred and ninety-eight, there shall be raised, levied, collected, and paid, to and for the Use of His Majesty, His Heirs and Successors, on the Importation into this Kingdom of the Goods, Wares, and Merchandize hereinafter-mentioned or described, being of the Growth, Production, or Manufacture of any of the Territories of the United States of *America*, and imported directly from thence in *American* Ships or Vessels, owned and navigated as by this Act is required, the following additional Duties of Customs; that is to say, on the Importation of any such Goods, Wares,

From *Jan.* 5, 1798, certain additional Duties to be paid on Importation of Goods from the *American* States in *American* Vessels.

Wares, and Merchandize as aforesaid (except Tobacco and other Articles, for which Provision is herein-after made), an additional Duty, at and after the Rate of Ten Pounds *per Centum* on the Produce and Amount of the several Duties of Customs due and payable by Law on the Importation into this Kingdom of the like Goods or Merchandize, from any of the said United States, in *British*-built Ships or Vessels; on the Importation of any such Pig Iron, Bar Iron, Pot Ash, and Pearl Ash, in Manner aforesaid, an additional Duty, at and after the Rate of Ten Pounds *per Centum* on the Produce and Amount of the several Duties of Customs due and payable by Law on the Importation into this Kingdom of any such Goods from any *British* Colony or Plantation in *America*, when not accompanied with the Certificates required by Law, on the Importation, in Manner aforesaid, of any such Pitch, Tar, Turpentine, Rosin, Mahogany, Masts, Yards, and Bowsprits, and unmanufactured Goods and Merchandize as aforesaid, (Wood, Staves, and Tobacco excepted), an additional Duty at and after the Rate of Ten Pounds *per Centum* on the Produce and Amount of the several Duties of Customs due and payable by Law on the Importation of any such Goods into this Kingdom from any *British* Colony or Plantation in *America*; on the Importation, in Manner aforesaid, of any such unmanufactured Wood and Staves, an additional Duty, at and after the Rate of Ten Pounds *per Centum* on the Produce and Amount of the several Duties of Customs due and payable by Law on the Importation of any such Goods into this Kingdom from any Part of *Europe*, not within His Majesty's Dominions, in *British*-built Ships or Vessels; on the Importation, in Manner aforesaid, of any Oil made from Fish, or Creatures living in the Sea, and Blubber, Whale Fins, and Spermaceti, being the Produce of the Fisheries carried on by the People of the said United States, and imported directly from thence into this Kingdom in *American* Ships or Vessels, owned and navigated as by this Act is required, an additional Duty, at and after the Rate of Ten Pounds *per Centum* on the Produce and Amount of the several Duties of Customs due and payable by Law on the Importation of any such Goods into this Kingdom from Countries not under the Dominion of His Majesty; on the Importation, in Manner aforesaid, of any such Tobacco so imported, an additional Duty of Customs, at and after the Rate of One Shilling and Sixpence for every Hundred Pounds Weight of such Tobacco.

The additional Duty of 10*l. per Cent.* not to extend to the Duties of 5*l.* and 10*l. per Cent.* granted by 37 *Geo.* III. Cap. 15.

XII. Provided always, That nothing in this Act contained shall extend, or be construed to extend, to charge or impose the Duty of Ten Pounds *per Centum* by this Act imposed on certain Goods and Merchandize imported into this Kingdom from the said United States in *American* Ships, on the Produce or Amount of the respective Duties of Five Pounds *per Centum*, and of Ten Pounds *per Centum*, granted to His Majesty by an Act, made in this present Session of Parliament, intituled, *An Act for granting to His Majesty certain Duties of Customs on Goods, Wares, and Merchandize, imported into, exported from, or brought and carried Coastwise within* Great Britain, *except Wine, and except Coals when brought or carried Coastwise; and for applying the Money to arise by virtue of an Act, passed in the last Session of Parliament, intituled, 'An Act for Reduction of the Drawbacks and Bounties now allowed on the Exportation of Sugar, 'towards defraying the increased Charge occasioned by any Loan granted, or Stock created, by any 'Act or Acts passed in the last Session of Parliament.'*

If Goods be permitted to be warehoused without Payment of Duty, the additional Duty not to be payable till taken out for Home Consumption.

XIII. Provided always, That if any Goods or Merchandize so imported from the United States of *America* shall be permitted, by virtue of any Act or Acts of Parliament in Force at the Time of such Importation, to be secured in Warehouses without the Payment of the Duties due on the Importation thereof, then and in such Case the additional Duties of Customs, by this Act imposed, shall not be payable, unless and until such Goods shall be taken out of such Warehouse for the Purpose of being used or consumed in this Kingdom.

Act not to alter Duties payable to the City of *London*, &c.

XIV. Provided always, That nothing in this Act contained shall extend, or be construed to extend, to repeal or anywise alter the Duties of Package, Scavage, Balliage, or Portage, or any other Duties payable to the Mayor and Commonalty and Citizens of the City of *London*, or to the Lord Mayor of the said City for the Time being, or to any other City or Town Corporate, within the Kingdom of *Great Britain*, or to repeal or anywise alter any special Privilege or Exemption to which any Person or Persons, Bodies Politick or Corporate, is or are now entitled by Law; but the same shall be continued as heretofore.

Duties to be under the Management of the respective Commissioners of Customs and Excise.

XV. And be it further enacted, That such of the Duties of Customs and Excise, by this Act imposed, as shall arise in that Part of *Great Britain* called *England*, shall be under the Management of the respective Commissioners of the Customs and Excise in *England* for the Time being,

being, and such thereof as shall arise in that Part of *Great Britain* called *Scotland* shall be under the Management of the respective Commissioners of the Customs and Excise in *Scotland* for the Time being.

Duties and Drawbacks to be managed as former Ones, and the Goods to be subject to the Conditions of Acts in force immediately before passing this Act.

XVI. And be it further enacted by the Authority aforesaid, That the Duties of Customs and Excise, and the Drawbacks of the Duties of Customs and Excise upon, for, or in respect of the several Goods, Wares, or Merchandize, by this Act imposed and allowed, shall and may be respectively managed, ascertained, raised, levied, collected, answered, paid, recovered, and allowed, in such and the like Manner, and in or by any or either of the Means, Ways, or Methods, by which the former Duties of Customs and Excise, and Drawbacks of Duties of Customs and Excise, upon Goods, Wares, or Merchandize in general, and also by any or either of the special Means, Ways, or Methods respectively, by which the former Duties of Customs and Excise, and Drawbacks of Duties of Customs and Excise, upon Goods, Wares, or Merchandize, of the same Sorts or Kinds respectively, were or might be managed, ascertained, levied, raised, collected, answered, paid, recovered, and allowed, and the Goods, Wares, or Merchandize, so by this Act respectively made liable to the Payment of, or chargeable with Duties of Customs and Excise, or so entitled to Drawback of Duties of Customs and Excise, upon the Importation thereof into, or Exportation thereof from *Great Britain*, or on any other Account whatever, shall be, and the same are hereby made subject and liable to all and every the Conditions, Regulations, Rules, Restrictions, and Forfeitures, to which Goods, Wares, or Merchandize in general, and also all and every the special Conditions, Rules, Restrictions, Regulations, and Forfeitures respectively, to which the like Goods, Wares, or Merchandize respectively were subject and liable by any Act or Acts of Parliament in force on and immediately before the passing of this Act respecting the Revenues of Customs and Excise, except where any Alteration is expressly made by this Act; and all and every Pain, Penalty, Fine, or Forfeiture of any Nature or Kind whatever, for any Offence whatever committed against or in Breach of any Act or Acts of Parliament in force on and immediately before the passing of this Act made for securing the Revenue of Customs and Excise, or for the Regulation or Improvement thereof, and the several Clauses, Powers, and Directions therein contained (unless where expressly altered by this Act) shall and are hereby directed and declared to extend to, and shall be respectively applied, practised, and put in Execution, for and in respect of the several Duties of Customs and Excise, and Drawbacks of Duties of Customs and Excise, hereby charged and allowed, in as full and ample Manner, to all Intents and Purposes whatever, as if all and every the said Acts, Clauses, Provisions, Powers, Directions, Fines, Pains, Penalties, or Forfeitures, were particularly repeated and re-enacted in the Body of this Act.

From *Jan.* 5, 1798, 2*s. per* Ton to be paid for *American* Vessels arriving within the Limits of any Port in *Great Britain*.

XVII. And whereas, by the said Fifteenth Article of the Treaty before-mentioned, it is further agreed, that the *British* Government does reserve to itself the Right of imposing on *American* Vessels entering into the *British* Ports in *Europe*, a Tonnage Duty equal to that which shall be payable by *British* Vessels in the Ports of *America*: And whereas it is thought expedient for the present to exercise the Power reserved in the said Article so far only as relates to imposing a Tonnage Duty on *American* Ships entering the Ports of His Majesty's Dominions in *Europe*, equal to the Excess of the Duty payable in the Ports of the United States by *British* Ships, beyond that which is payable by *American* Ships entering the same Ports; be it therefore enacted, That, from and after the Fifth Day of *January* One thousand seven hundred and ninety-eight, there shall be raised, levied, collected, and paid, unto and for the Use of His Majesty, His Heirs and Successors, a Tonnage Duty, at and after the Rate of Two Shillings of good and lawful Money of *Great Britain*, for each and every Ton Burthen of every Ship or Vessel belonging to the Inhabitants of the United States of *America*, coming or arriving within the Limits of any Port of *Great Britain*, and that the Tonnage of every such Ship or Vessel shall, in case of any Doubt or Dispute, as to the same, be ascertained by Admeasurement, in the Mode and Manner directed by an Act passed in the Twenty-sixth Year of His present Majesty's Reign, intituled, *An Act for the further Encrease and Encouragement of Shipping and Navigation*.

Officers of the Customs may detain Vessels liable to the Duty, and if not paid in Three Months they may be sold.

XVIII. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for any Officer or Officers of His Majesty's Customs to stop and detain every Ship or Vessel liable to the Payment of the said Duty, until the said Duty is paid as aforesaid; and in case Payment thereof shall not be made for the Space of Three Calendar Months after the Arrival of such Ship or Vessel at any Port in this Kingdom, it shall and may be lawful to and for the Commissioners of His Majesty's Customs in *England* and *Scotland* respectively, or any Three or more of them, to cause such Ship or Vessel, and her Masts, Apparel, and Furniture,

to

to be sold publickly to the best Bidder, and the Produce thereof to be applied, first, to the Charges that shall arise by such Detention and Sale, next, to the said Duty imposed by this Act, and the Overplus to be paid to the Proprietor of such Ship or Vessel, or other Person duly authorized by such Proprietor to receive the same.

Tonnage Duty to be paid to the Officer at the Port, &c.

XIX. And be it further enacted by the Authority aforesaid, That the Tonnage Duty hereby imposed shall be paid into the Hands of the proper Officer of His Majesty's Customs, at the respective Ports or Places where such Duty shall become due and payable, and such Duty shall be under the Management of the Commissioners of His Majesty's Customs in *England* and *Scotland* respectively.

No Officer to receive any Entry Outwards until a Receipt be shewn him for the Duty.

XX. And, to the Intent that the said Duty may be answered and paid, be it further enacted by the Authority aforesaid, That no Officer of His Majesty's Customs whatever, or his Deputy or Clerk, at any of the said Ports or Places in *Great Britain*, where such Duty shall become due and payable, shall, from and after the said Fifth Day of *January* One thousand seven hundred and ninety-eight, take or receive any Entry Outwards, Cocquet, or Report Outwards, for any Ship or Vessel liable or subject to the said Duty, nor shall such Ship or Vessel be suffered or permitted to depart from any such Port or Place, until the said Duty shall be paid, pursuant to the Directions of this Act, to the respective Collectors or other principal Officers of His Majesty's Customs, authorized to receive the same, and until the respective Master or Owner of any such Ship or Vessel, subject to the Payment of such Duty, shall shew to such respective Officer a Receipt for the same.

Duties to be paid into the Exchequer and carried to the Consolidated Fund.

XXI. And be it further enacted, That all the Monies from Time to Time arising by the several new and additional Duties by this Act imposed as aforesaid, (the necessary Charges of raising and accounting for the same respectively excepted), shall, from Time to Time, be paid into the Receipt of His Majesty's Exchequer at *Westminster*, and the said Money so paid in as aforesaid shall be carried to and made Part of the Consolidated Fund.

The United States may trade to the *British* Territories in the *East Indies*, agreeably to the Article 13 of the Treaty.

XXII. And whereas, by the Thirteenth Article of the said Treaty of Amity, Commerce, and Navigation, between His *Britannic* Majesty and the United States of *America*, it is, among other Things, provided, that the Vessels belonging to the Citizens of the United States of *America* shall be admitted and hospitably received in all the Sea Ports and Harbours of the *British* Territories in the *East Indies*, and that the Citizens of the said United States may freely carry on a Trade between the said Territories and the said United States in all Articles of which the Exportation or Importation respectively, to or from the said Territories, shall not be entirely prohibited; and it is further provided, that the said Trade shall be carried on under the Regulations contained in the said Article; and it is expressly agreed that the Vessels of the United States shall not carry any of the Articles exported by them from the said *British* Territories to any Port or Place, except to some Port or Place in *America* where the same shall be unladen, and that such Regulations shall be adopted by both Parties, as shall from Time to Time be found necessary to enforce the due and faithful Observance of the above recited Stipulation; be it therefore enacted, That it shall and may be lawful for the Ships belonging to the Citizens of the United States to carry on the said Trade to the *British* Territories in the *East Indies*, and to import into, and export from, the said Territories, all Articles, of which the Importation or Exportation respectively, to or from the said Territories, shall not be entirely prohibited, in the Manner, and with the Privileges and Advantages, and subject to the Restrictions and Regulations, contained and expressed in the said Thirteenth Article of the said Treaty of Amity, Commerce, and Navigation, any Law to the contrary notwithstanding, and particularly notwithstanding any Provisions contained in an Act, passed in the Twelfth Year of the Reign of His late Majesty King *Charles* the Second, intituled, *An Act for the encouraging and increasing of Shipping and Navigation.*

Acts done by the Subjects of the United States or of His Majesty, in pursuance of the said 13th Article, since the final Ratification of the Treaty, to be lawful.

XXIII. And be it further enacted, That all Acts done, or Engagements entered into by the Subjects of the United States, or of His Majesty, in pursuance of the said Thirteenth Article, shall be deemed and taken to be lawfully done, provided the same shall have been done or entered into since the final Ratification of the said Treaty, and provided the same might have been done and entered into agreeably to the said Thirteenth Article, any Law to the contrary notwithstanding, and the same shall be deemed and taken to be, in all Respects, and to all Intents and Purposes whatsoever, as if the same had been done, entered into, or had taken place subsequent to the passing of this Act, any Prohibition to the contrary notwithstanding; and no Penalty, Forfeiture, or Disability, of any Kind or Nature whatsoever, shall be incurred or sued for, for or on Account of any such Acts or Engagements.

All Lands, &c. held in *Great Britain* or its Dependencies by *American* Citizens on *Oct.* 28, 1795, to be enjoyed agreeably to Article Nine of the Treaty.

XXIV. And whereas, by the Ninth Article of the said Treaty, it was agreed that *British* Subjects, who then held Lands in the Territories of the said United States, and *American* Citizens, who then held Lands in the Dominions of His Majesty, should continue to hold them according to the Nature and Tenure of their respective States and Titles therein, and might grant, sell, or devise the same to whom they should please, in like Manner as if they were Natives, and that neither they nor their Heirs or Assigns should, so far as might respect the said Lands and the legal Remedies incident thereto, be regarded as Aliens; be it therefore enacted by the Authority aforesaid, That all Lands, Tenements, and Hereditaments, in the Kingdom of *Great Britain*, or the Territories and Dependencies thereto belonging, which on the said Twenty-eighth Day of *October* One thousand seven hundred and ninety-five (being the Day of the Exchange of the Ratification of the said Treaty between His Majesty and the said United States, were held by *American* Citizens, shall be held and enjoyed, granted, sold, and devised, according to the Stipulations and Agreements contained in the said Article; any Law, Custom, or Usage, to the contrary notwithstanding.

Act not to give any Right, except such as may be necessary for the Performance of the Stipulations of the said Article.

XXV. Provided always, That nothing herein contained shall extend, or be construed to extend, to give any Right, Title, or Privilege to any Person, not being a natural-born Subject of this Realm, which such Person would not have been entitled to if this Act had not been made, other than and except such Rights, Titles, and Privileges as shall be necessary for the true and faithful Performance of the Stipulations in the said Article contained, according to the true Intent and Meaning thereof, or to give to any Person, not being either a natural-born Subject of this Realm, or a Citizen of the said United States, any Right, Title, or Privilege, to which such Person would not have been entitled if this Act had not been made.

Regulations for carrying into Effect an Agreement in the Treaty mutually to deliver up Persons charged with Murder or Forgery.

XXVI. And whereas by the said Treaty it is further agreed, that His Majesty and the United States, on mutual Requisitions by them respectively, or by their respective Ministers or Officers authorised to make the same, will deliver up to Justice all Persons who, being charged with Murder or Forgery committed within the Jurisdiction of either, shall seek an Asylum within any of the Countries of the other, provided that this shall only be done on such Evidence of Criminality as, according to the Laws of the Place where the Fugitive or Person so charged shall be found, would justify his Apprehension and Commitment for Trial, if the Offence had there been committed, and that the Expence of such Apprehension and Delivery shall be borne and defrayed by those who make the Requisition, and receive the Fugitive; be it enacted by the Authority aforesaid, That in case Requisition shall at any Time be made, in pursuance of and according to the said Article, for the Delivery of any Person charged with Murder or Forgery, committed within the Jurisdiction of the said United States, it shall be lawful for One of His Majesty's Principal Secretaries of State, by Warrant under his Hand and Seal, to signify that such Requisition has been so made, and to require all Justices of the Peace, and other Magistrates and Officers of Justice, to govern themselves accordingly, and to be aiding and assisting in apprehending the Person so charged, and committing such Person, for the Purpose of being delivered up to Justice, according to the Provisions in the said Article, and thereupon it shall be lawful for any Justice of the Peace, or other Person having Power to commit for Trial Persons charged with Offences against the Laws of this Kingdom, to examine upon Oath any Person or Persons touching the Truth of such Charge, and upon such Evidence as, according to the Laws of this Kingdom, would justify the Apprehension and Commitment for Trial of the Person so charged if the Offence wherewith he shall be so charged had been committed in this Kingdom, it shall be lawful for such Justice of the Peace, or other Person having Power to commit as aforesaid, to commit the Person so charged to His Majesty's Gaol, there to remain, until delivered pursuant to such Requisition as aforesaid, and thereupon it shall be lawful for One of His Majesty's Secretaries of State, by Warrant under his Hand and Seal, to order the Person so committed to be delivered to such Person or Persons as shall be authorized by the said United States to receive the Person so committed, and convey such Person to the Dominions of the said United States, to be tried for the Offence with which such Person shall be so charged; and if the Person so charged shall escape out of any Custody to which he shall be committed as aforesaid, it shall be lawful to retake such Person in the same Manner as any Person charged with any Offence against the Laws of this Kingdom may be retaken upon an Escape, so that such Person so charged as aforesaid may be effectually delivered up to Justice, according to the true Intent and Meaning of the said Article of the said Treaty.

Continuance of Act.

XXVII. And be it further enacted, That this Act shall continue in Force so long as the said Treaty between His Majesty and the United States of *America* shall continue in Force, and no longer.

37 GEORGII III. Cap. CXVII.

An Act for regulating the Trade to be carried on with the British *Possessions in* India, *by the Ships of Nations in Amity with His Majesty.* [19th *July*, 1797.]

Preamble. 12 *Car.* II. Cap. 18, recited.

WHEREAS by an Act, passed in the Twelfth Year of the Reign of His late Majesty King *Charles* the Second, intituled, *An Act for the encouraging and increasing of Shipping and Navigation*, it was enacted, that, from and after the First Day of *December* One thousand six hundred and sixty, and from thence forward, no Goods or Commodities shall be imported into or exported out of any Lands, Islands, Plantations, or Territories, to His Majesty belonging or in His Possession, or which may hereafter belong unto or be in the Possession of His Majesty, His Heirs and Successors, in *Asia*, *Africa*, and *America*, in any other Ship or Ships, Vessel or Vessels, than such as do truly and without Fraud belong unto the People of *England* or *Ireland*, Dominion of *Wales*, or Town of *Berwick upon Tweed*, or are the Built of and belonging to any of the said Lands, Islands, Plantations, or Territories, as the Proprietors and Right Owners thereof, and whereof the Master and Three Fourths of the Mariners at least are *English*, under certain Penalties and Forfeitures therein mentioned: And whereas it is expedient that the Ships and Vessels of Countries and States in Amity with His Majesty, should be allowed to import Goods and Commodities unto and to export the same from the *British* Territories in *India*, subject to certain Restrictions and Regulations: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, from and after the passing of this Act, and during the Continuance of the exclusive Trade of the United Company of Merchants of *England* trading to the *East Indies*, and during the Term for which the Possessions of the *British* Territories in *India* is secured to the said United Company, it shall and may be lawful for the Ships and Vessels of Countries and States in Amity with His Majesty, to import into and export from the *British* Possessions in *India*, such Goods and Commodities as they shall be permitted to import into and export from the said Possessions by the Directors of the said Company, who are hereby directed to frame such Regulations for carrying on the Trade to and from the said Possessions, and the Countries and States in Amity with His Majesty, as shall seem to them most conducive to the Interest and Prosperity of the said *British* Possessions in *India*, and of the *British* Empire; and no Ship or Vessel belonging to any of the Subjects of States or Countries in Amity with His Majesty, shall be liable to Seizure, Confiscation, or Forfeiture, or other Penalty, for exporting from or importing into the said *British* Possessions in *India*, any Goods or Commodities, the Importation or Exportation of which respectively shall be permitted by the said Regulation; any Thing in the said herein-before recited Act, of the Twelfth Year of the Reign of King *Charles* the Second, to the contrary notwithstanding: Provided always, that it shall not be lawful for the Directors of the said United Company to frame any Regulations for the Conduct of the said Trade, which shall be inconsistent with any Treaty or Treaties which shall have been or may be entered into by His Majesty, His Heirs and Successors, and any Country or State at Amity with His Majesty, or which may be inconsistent with any Act or Acts of Parliament which have been passed for the Regulation of the Trade and Commerce of the said *British* Territories in *India*.

Vessels of Countries in Amity with His Majesty may import into and export from the *British* Possessions in *India*, Goods permitted by the *East India* Directors, not contrary to Treaties or Law.

II. And be it further enacted, That all such Regulations as shall be framed by the said Court of Directors, for carrying on the Trade to and from the *British* Possessions in *India*, and the Countries and States in Amity with His Majesty, shall be and they are hereby directed to be subject to the Superintendance, Direction, and Controul of the Board of Commissioners for the Affairs of *India*, in the same Manner as all Acts, Operations, and Concerns, which anywise relate to or concern the Civil and Military Governments and Revenues of the *British* Territories and Acquisitions in the *East Indies* now are.

Regulations framed by the Directors to be subject to the Controul of the Board of Commissioners.

III. And be it further enacted, That it shall not be lawful for any General Court of Proprietors to alter or change, or to direct, or order, or authorize, the altering or changing, any Resolution of the Court of Directors, or to rescind, revoke, suspend, or vary the same, in so far as the same relates to the Intercourse of Foreign Nations in Amity with His Majesty and the *British* Territories in *India*.

Court of Proprietors not to alter any Resolution of the Directors relating to Intercourse of Foreign Nations in Amity with His Majesty and the *British* Territories in *India*.

37 GEORGII III. Cap. CXXII.

An Act for the better preventing the forging or counterfeiting the Names of Witnesses to Letters of Attorney, or other Authorities or Instruments, for the Transfer of Stocks or Funds, which now are, or by any Act or Acts of Parliament shall hereafter be made, transferrable at the Bank of England; *or for the Transfer of any Part of the Capital Stock of the Governor and Company of the Bank of* England *called* Bank Stock; *or for the Transfer of any Part of the Capital Stock, or any Stocks or Funds under the Management of the* South Sea *Company; or for the Transfer of any Part of the Capital Stock of the* East-India *Company; or for the Receipt of Dividends upon any of such Stocks or Funds.* [19th *July*, 1797.]

Preamble.

WHEREAS by the several Acts of Parliament creating and authorizing the Transfer and Management of the Publick Stocks, Funds, and Annuities, transferrable at the Bank of *England*, it is provided, that all Assignments, or Transfers thereof, shall be entered and registered in Books to be kept by the Accountant General of the Governor and Company of the Bank of *England*, which Entries shall be signed by the Parties making such Assignments or Transfers, or if such Parties be absent, by their respective Attorney or Attornies thereunto lawfully authorized in Writing under his, her, or their Hand and Seal, or Hands and Seals, to be attested by Two or more credible Witnesses; and the same Regulation is prescribed and observed with respect to the Attestation of Letters of Attorney for the Transfer of any Part of the Capital Stock of the said Governor and Company called *Bank Stock*: And whereas, by an Act of Parliament made and passed in the Ninth Year of the Reign of Her late Majesty Queen *Anne*, and by the Charter of the Company of Merchants of *Great Britain* trading to the South Seas and other Parts of *America*, and for encouraging the Fishery commonly called *The South Sea Company*; and by several Acts of Parliament, creating and authorizing the Transfer and Management of the Stock of the said Company commonly called *South Sea Stock*, and other Stocks and Funds arising thereout, or transferrable at the *South Sea* House, it is provided, that all Assignments and Transfers thereof shall be entered and registered in Books kept by the said Governor and Company, which Entries shall be signed by the Parties making such Assignments and Transfers, or if such Parties be absent, by their respective Attorney or Attornies, thereunto lawfully authorized in Writing under his, her, or their Hand and Seal, or Hands and Seals: And whereas all Assignments and Transfers of the Capital Stock of the United Company of Merchants of *England*, trading to the *East Indies*, are entered and registered in Books kept by the said United Company, and such Assignments and Transfers shall be signed by the Parties making the same; and if such Parties be absent, then by their respective Attorney or Attornies, thereunto authorized in Writing under his or their Hand and Seal, or Hands and Seals; And whereas it is expedient that Provision should be made for the Prevention of all Frauds and Impositions upon the said respective Governors and Companies, and the said United Company, respecting the Transfer of, or the Receipt of Dividends upon any of the Publick Funds or Annuities, transferrable at the Bank of *England*, or of Bank Stock, or of the Capital Stock of the said *South Sea* Company, or of the said United Company, or any other Stocks or Funds arising thereout, or transferrable, or which shall hereafter be made transferrable, at the *South Sea* House or *East India* House respectively: Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person or Persons whatever shall, from and after the First Day of *August* One thousand seven hundred and ninety-seven, falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or shall willingly act or assist in the falsely making, forging, or counterfeiting, the Name or Names, Hand Writing or Hands Writing, of any Person or Persons as, or purporting to be, the Witness or Witnesses attesting the Execution of any Letter of Attorney, or other Authority or Instrument, to transfer, assign, sell, or convey, any Interest, Part, or Share, of or in any Stock or Stocks, Annuity or Annuities, or other Funds, or the Dividends thereof, transferrable, or which, by any Act or Acts of Parliament, shall hereafter be made transferrable at the Bank of *England*, or of or in the Capital Stock belonging, or which hereafter shall or may belong, to the Governor and Company of the Bank of *England* called *Bank Stock*, or to the Governor and Company of Merchants of *Great*

From *Aug.* 1, 1797, Persons forging the Names of Witnesses to Instruments for the Transfer, or Receipt of Dividends, of Stocks at the Bank, or of the *South Sea*, or *East India* Company's Stocks, to be guilty of Felony.

Great Britain trading to the *South Seas* and other Parts of *America*, and for encouraging the Fishery as aforesaid, or under their Care or Management, or of or in the Capital Stock belonging, or which hereafter shall or may belong, to the said United Company of Merchants of *England* trading to the *East Indies*, commonly called *East India Stock*, or of any Letter of Attorney, or other Authority or Instrument, to receive any Dividend or Dividends, on any of the said Stocks, Annuities, or other Funds, or shall utter or publish as true any such Letter of Attorney, or other Authority or Instrument, containing such false, forged, or counterfeited Name or Names, Hand Writing or Hands Writing, of such attesting Witness or Witnesses as aforesaid, knowing such Name or Names, Hand Writing or Hands Writing, to be false, forged, or counterfeited, all and every Person or Persons whatever so offending, and being in due Form of Law convicted of any such Offence or Offences as aforesaid, shall be adjudged guilty of Felony, and shall be transported for Seven Years, or shall be adjudged to suffer such lesser Punishment as the Court, before whom such Offender or Offenders shall be tried, shall think fit to award.

Publick Act.

II. And be it further enacted by the Authority aforesaid, That this Act shall be deemed and taken to be a Publick Act, and shall be judicially taken Notice of, by all Judges, Justices, and other Persons whomsoever, without the same being specially pleaded.

37 GEORGII III. Cap. CXLII.

An Act for the better Administration of Justice at Calcutta, Madras, *and* Bombay; *and for preventing* British *Subjects from being concerned in Loans to the Native Princes in* India. [20*th July*, 1797.]

Preamble. 13 *Geo.* III. Cap. 63.

WHEREAS by an Act, passed in the Thirteenth Year of the Reign of His present Majesty, intituled, *An Act for establishing certain Regulations for the better Management of the Affairs of the* East India *Company, as well in* India *as in* Europe, it was enacted, That it should be lawful for His Majesty, by Letters Patent under the Great Seal of *Great Britain*, to erect and establish a Supreme Court of Judicature at *Fort William* in *Bengal*, to consist of a Chief Justice and Three other Justices, being Barristers of *England* or *Ireland*, of not less than Five Years standing, to be named from Time to Time by His Majesty, His Heirs and Successors: And whereas by the said Act, and by divers other Acts of Parliament, certain Jurisdictions, Powers, and Authorities, were given to the said Court to be exercised in the Manner therein directed: And whereas it may be expedient that the Number of Judges should be reduced; be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That immediately after the Death, Resignation, or Removal, of any of the Puisne Judges of the said Supreme Court, that the Office of One of the said Puisne Judges shall be and the same is hereby suppressed; and from and immediately after such Death, Resignation, or Removal, the said Supreme Court shall consist of a Chief Justice, and Two other Judges only; and all Powers, Jurisdictions, and Authorities whatsoever, shall, from and after such Period as aforesaid, be enjoyed and exercised by the said Chief Justice and other Judges, in as full and ample a Manner as the same might have been held, enjoyed, and exercised, by the said Supreme Court under the Authority of the said herein-before recited Act, or any other Act or Acts of Parliament, or under the Charter of Justice, granted by His Majesty under the Authority of the same.

On the Death, &c. of any of the Puisne Judges of the Supreme Court of Judicature in *Bengal*, it shall consist of a Chief Justice and Two other Judges.

II. And whereas His Majesty has by Law no Power to direct the Application of any Part of the Revenues of the Territorial Acquisitions in *India*, as a Provision for a Chief Justice, or other Judge, of the said Supreme Court, who, from Infirmity, or other Causes approved of by His Majesty, may return to *Europe*: And whereas it is expedient that such Power, to a limited Extent, be vested in His Majesty, His Heirs and Successors; be it therefore enacted by the Authority aforesaid, That, from and after the Death, Resignation, or Removal, of One of the Judges of the said Supreme Court, and the Suppression of the said Office in the Manner herein-before directed, that it shall and may be lawful for His Majesty, His Heirs and Successors, by Warrant

His Majesty may direct the Payment of a yearly Sum out of the Territorial Revenues, to any Chief Justice or other Judge returning to *Europe*.

Warrant under His Royal Sign Manual, to authorize and direct the Payment of a competent Yearly Sum out of the Revenues arising from the Territorial Acquisitions in *India*, to be applied for the Use and Behoof of any Chief Justice or other Judge, who, from Age, Infirmity, or other Cause, to be approved of by His Majesty, His Heirs and Successors, shall return to *Europe*.

Not more than 2,000*l. per Ann.* to be so paid to any Chief Justice, nor more than 1,500*l. per Ann.* to any other Judge, nor to any that has not resided in *India* as a Judge for Seven Years, &c.

III. Provided always, That it shall not be lawful for His Majesty, His Heirs or Successors, to authorize the Payment of any larger Sum for the Use and Behoof of any Chief Justice so returning as aforesaid, than the Sum of Two thousand Pounds *per Annum*, or of any other Judge, than the Sum of One thousand five hundred Pounds *per Annum*; nor shall it be lawful for His Majesty to authorize the Payment of any Sum whatever to any Person who has not resided in *India* as Judge of the said Supreme Court for the Space of Seven Years; nor shall it be lawful for His Majesty, His Heirs or Successors, to authorize the Payment of any Sum which, with the Sums already directed and authorised to be paid, at the Date of such Grant, shall, in the Whole, exceed the Amount of the Salary now paid to One of the Puisne Judges of the said Supreme Court.

The Supreme Court, where the Matter in Dispute does not exceed 1,000 Pagodas, may direct Depositions to be filed of Record, or not.

IV. And whereas, by the Charter of Justice granted by His Majesty, under the Authority of the herein-before recited Act, passed in the Thirteenth Year of His present Majesty's Reign, the said Supreme Court of Judicature was directed and required to reduce, or cause to be reduced, to Writing, the Depositions of Witnesses in civil Causes, and was directed to require the same to be subscribed by such Witnesses, with their Name or other Mark, and to file the same of Record: And whereas by the said Charter of Justice, it was also directed that no Appeal should be allowed from the said Supreme Court of Judicature, unless the Value of the Matters in Dispute exceed the Sum of One thousand Pagodas: And whereas the requiring the Depositions of Witnesses to be reduced into Writing, and filed of Record, is productive of much Expence and Delay in small Causes, where the Value of the Matter in Dispute does not exceed One thousand Pagodas, and which, for that Reason, cannot be made the Subject of Appeal; be it therefore enacted, That, from and after the passing of this Act, it shall be in the Discretion of the said Supreme Court, in all Cases when the Value of the Matter in Dispute does not exceed One thousand Pagodas, either to direct the Deposition of Witnesses to be reduced into Writing, and filed of Record, or not, as the said Court shall think fit, in the particular Case; any Thing in the said Charter of Justice contained to the contrary notwithstanding.

The Court of Directors may direct the Chief Justice to issue a Precept to the Officers of the Supreme Court, to make a Return, on Oath, of their Salaries and Fees.

V. And whereas by the said herein-before recited Act, it was enacted, that His Majesty might, by Charter or Letters Patent, establish a Supreme Court of Judicature at *Fort William* in *Bengal*, in the Manner, and with the Powers in the said Act mentioned; and it was also enacted, that the Supreme Court so to be erected should have Power to appoint Clerks and other Ministerial Officers, with such reasonable Salaries, as should be approved of by the Governor General and Council: And whereas His Majesty did issue His Royal Letters Patent for erecting a Supreme Court of Judicature at *Fort William* in *Bengal*; and, among other Things, Power was given to the said Supreme Court, from Time to Time, as Occasion should require, to appoint such Clerks and Ministers as should be necessary for the Administration of Justice, and the Execution of the Authorities granted to the Court, which said Officers and Clerks were to receive such reasonable Salaries as the said Supreme Court should appoint for each Office and Place respectively, and as the Governor General and Council should approve: And whereas the said Supreme Court did appoint certain Clerks and Ministers, with Salaries, which were approved of by the Governor General and Council: And whereas Doubts have arisen whether the said Salaries so appointed and approved of as aforesaid, can be reduced or altered, or any of the said Offices abolished or suppressed, without the Authority of Parliament: And whereas the Salaries paid by the *East India* Company to the Clerks and Ministers of the Supreme Court, amount to a large Sum, and yet nevertheless the said Clerks and Ministers have, and do receive, Fees for all Business done by them in the said Court: And whereas it may be expedient that the said Salaries should be reviewed, and that Power should be given to alter the same if necessary; be it therefore enacted, That it shall and may be lawful for the Court of Directors of the United Company of Merchants trading to *India* to direct the Chief Justice of the said Supreme Court to issue a Precept or Order, directed to all and each of the Officers, Clerks, and Ministers of the Supreme Court of Judicature at *Fort William* in *Bengal*, calling upon them and each of them to make a Return upon Oath, which Oath the said Chief Justice, or any of the Judges of the said Supreme Court, are hereby empowered and required to administer, of the Amount of the Salary received by such Officer and Officers, and also a List of the Fees to which he or they are entitled, together with the Amount of the same, which

have been received by such Officer for the Three Years next immediately preceding the Date of the said Precept or Order.

Officers of the Court to make a Return to the Preceptin 20 Days, and for making a false Return to forfeit their Offices.

VI. And be it enacted by the Authority aforesaid, That every Clerk, Officer, and Minister of the said Supreme Court, shall pay due Obedience to the said Order or Precept, and make a true Return to the same within Twenty Days next after the Date of the same; and if any such Officer, Minister, or Clerk shall be guilty of making a false Return, or shall not set forth in the same the full Amount of the Salary, Fees, Perquisites, and Emoluments which he shall have received for the last Three Years, and each or any Part of the same during which he shall have been in Office; then and in such Case, such Officer shall, upon being duly convicted thereof, forfeit his said Office, and be for ever incapable of holding any Office in the said Supreme Court, or in the Service of the said United Company.

Judges to take Returns into Consideration, and Report to the Governor General in Council what Offices should be continued, and the Salaries.

VII. And be it further enacted, That the Chief Justice and other Judges of the said Supreme Court, shall, as soon as they conveniently can after the Receipt of the said Returns, take the same into their Consideration, and report to the Governor General in Council, under their Hands and Seals, which of the said Offices are, in their Opinion, proper to be continued, and what is the proper Salary to be allowed to each of the same, and whether any Retrenchment can, with Propriety, be made therein, with their Reasons for the same; and in case the said Chief Justice and the other Judges, or any of them, shall not agree respecting the said Report, then such of the said Judges as do dissent from the Opinion of the Majority shall also report, under his or their Hands and Seals, his or their Opinion, with the Reasons thereof; and in case the Governor General in Council do agree with the Majority of the said Supreme Court concerning the Extent of the said Retrenchment, if any can be made therein, the said Governor General in Council shall, and they are hereby empowered to alter, abridge, or abolish, all or any of the said Offices and Salaries which to them shall so seem proper to be altered, or abridged, or abolished, at such Time and Times, and in such Manner as they shall think fit, subject nevertheless to such Orders and Directions as they shall receive from the Court of Directors concerning the same; but in case the said Governor General in Council shall disagree with the said Report from the Majority of the said Court, or any Part thereof, then such Parts of the said Report, as are the Subjects of Difference between the said Governor General in Council and the said Supreme Court, shall be suspended, and shall not be carried into Execution, but the same shall be transmitted Home for the ultimate Decision of the Court of Directors respecting the same, who shall give such Orders respecting the same as they shall think fit: Provided always, that, from and after the passing of this Act, and until the said Report shall be made and considered as is herein-before directed, if any Vacancy shall occur in any of the Offices or Places under the said Supreme Court, which are herein directed to be reviewed, the same shall be filled up by the Judges of the said Supreme Court provisionally only, and a Person or Persons shall be by them appointed to do the Duty of the said Office until the said Report shall be made; and such Office or Offices shall be liable to be reduced, or the Salaries altered, if necessary, in the same Manner as if they were actually vacant at the Time of making such Report.

If the Council agree with the Judges respecting Retrenchments, they are to be made, subject to the Orders of the Court of Directors, who are also to decide if the Council and Judges disagree.

If a Vacancy occur before the Report is made, it is to be filled up provisionally.

Regulations of the Governor General in Council, which affect the Natives or others amenable to the Courts of Justice, to be printed, with Translations, in the Country Languages, &c.

VIII. And whereas certain Regulations for the better Administration of Justice among the Native Inhabitants and others, being within the Provinces of *Bengal*, *Bahar*, and *Orissa*, have been from Time to Time framed by the Governor General in Council in *Bengal*; and among other Regulations it has been established and declared as essential to the future Prosperity of the *British* Territories in *Bengal*, that all Regulations, passed by Government, affecting the Rights, Properties, or Persons of the Subjects, should be formed into a regular Code, and printed, with Translations, in the Country Languages, and that the Grounds of every Regulation be prefixed to it; and that the Courts of Justice within the Provinces be bound to regulate their Decisions by the Rules and Ordinances which such Regulations may contain, whereby the Native Inhabitants may be made acquainted with the Privileges and Immunities granted to them by the *British* Government, and the Mode of obtaining speedy Redress for any Infringement of the same: And whereas it is essential that so wise and salutary a Provision should be strictly observed, and that it should not be in the Power of the Governor General in Council to neglect or to dispense with the same; be it therefore enacted, That all Regulations which shall be issued and framed by the Governor General in Council at *Fort William* in *Bengal*, affecting the Rights, Persons, or Property of the Natives, or of any other Individuals who may be amenable to the Provincial Courts of Justice, shall be registered in the Judicial Department, and formed into a regular Code, and printed, with Translations, in the Country Languages, and that the Grounds of each Regulation shall be prefixed

fixed to it; and all the Provincial Courts of Judicature shall be, and they are hereby directed to be bound by and to regulate their Decisions by such Rules and Ordinances as shall be contained in the said Regulations; and the said Governor General in Council shall annually transmit to the Court of Directors of the *East-India* Company Ten Copies of such Regulations as may be passed in each Year, and the same Number to the Board of Commissioners for the Affairs of *India*.

Recital of Charter from King *George* the Second.

IX. And whereas His late Majesty King *George* the Second did, by His Letters Patent, bearing Date at *Westminster* the Eighth Day of *January*, in the Twenty-sixth Year of His Reign, grant unto the United Company of Merchants trading to the *East Indies*, His Royal Charter, thereby, amongst other Things, constituting and establishing Courts of Civil, Criminal, and Ecclesiastical Jurisdiction, at the said United Company's Settlements at *Madraspatnam* and *Bombay* in the Island of *Bombay*, and *Fort William* in *Bengal*: And whereas the said Charter, in so far as it respects the Administration of Justice at *Fort William* in *Bengal*, has been altered and changed by an Act, passed in the Thirteenth Year of His present Majesty's Reign, intituled, *An Act for establishing certain Regulations for the better Management of the Affairs of the* East India *Company, as well in* India *as in* Europe: And whereas the said Charter does not sufficiently provide for the due Administration of Justice in such Manner as the State and Condition of the Company's Settlements at *Madraspatnam* and *Bombay*, do and must require: Be it therefore enacted, That it shall and may be lawful for His Majesty, by Charter or Letters Patent under the Great Seal of *Great Britain*, to erect and establish a Court of Judicature at *Madras* and *Bombay* respectively, which shall consist of the Mayor and Three of the Aldermen resident at the said Settlements of *Madras* and *Bombay* respectively for the Time being; which Aldermen shall, from Time to Time, be selected in such Manner as shall be directed and prescribed by His Majesty in the said Charter, together with One other Person at each of the said Settlements, to be named from Time to Time by His Majesty, His Heirs and Successors, which said Person shall be a Barrister of *England* or *Ireland*, of not less than Five Years standing, which said Person so appointed shall be the President of the said Court, and shall be styled *The Recorder of Madras and Bombay* respectively; which said Courts of Judicature shall have, and the same are hereby declared to have, full Power and Authority to exercise and perform all Civil, Criminal, and Ecclesiastical, and Admiralty Jurisdiction, and to appoint such Ministerial Officers as may be necessary, and to form and establish such Rules of Practice, and such Rules for the Process of the said Court, and to do all such other Things as shall be necessary for the Administration of Justice and the due Execution of all or any of the Powers which shall or may, by the said Charter, be committed to the said Courts; and the same shall also be at all Times Courts of Oyer and Terminer and Gaol Delivery in and for *Fort Saint George*, and the Town of *Madras*, and the Limits thereof, and the Factories subordinate thereto, and in and for the Town and Island of *Bombay*, and the Limits thereof, and the Factories subordinate thereto respectively.

His Majesty may erect Courts of Judicature at *Madras* and *Bombay*, to consist of the Mayor, Three Aldermen, and a Recorder, who shall be a Barrister, and be appointed by His Majesty.

Extent of their Jurisdiction.

X. Provided nevertheless, and be it further enacted, that the said new Charter, which His Majesty is hereby empowered to grant, and the Jurisdiction, Powers, and Authorities, to be thereby established, shall extend to all *British* Subjects who reside within any of the Factories subject to or dependant upon the Governments of *Madras* and *Bombay* respectively; and the said Charter shall be competent and effectual, and the said Courts therein and thereby established shall have full Power and Authority, according to their respective Jurisdictions, to hear and determine all and all Manner of Complaints against any of His Majesty's Subjects, for any Crimes, Misdemeanors, and Oppressions, committed or to be committed, and also to hear and determine all Suits and Actions whatsoever against any of His Majesty's Subjects arising in Territories subject to or dependant upon the said Governments of *Madras* and *Bombay* respectively, or within any of the Territories which now are or hereafter may be subject to or dependant upon the said Governments, or within any of the Dominions of the Native Princes of *India* in Alliance with the said Governments respectively, or against any Person who at the Time when such Debt or Cause of Action shall have arisen, have been employed by, or shall have been directly or indirectly in the Service of the United Company, or any of His Majesty's Subjects: Provided always, that the said Court shall not be competent to hear, try, and determine any Indictment or Information against the Governor, or any of the Council, not being Treason or Felony, which the Governor or any of the Council at *Madras* or *Bombay* respectively shall or may be charged with having committed within the Jurisdiction of the said Courts respectively.

Court not competent to try Informations against the Governor or Council, except for Treason or Felony.

XI. And be it further enacted, That the said Courts, so to be erected as aforesaid, shall have full Power and Authority to hear, try, and determine all and all Manner of Suits and Actions, either Civil or Criminal, which by the Authority of any Act or Acts of Parliament may now

Courts may try all Suits which, by Authority of Parliament, may now be tried by the Mayor's Courts, or Courts of Oyer and Terminer.

now be heard, tried, or determined by the Mayor's Courts at *Madras* or *Bombay* respectively, or by the Courts of Oyer and Terminer or Gaol Delivery there; and all Powers, Authorities, and Jurisdictions, of what Kind or Nature soever, which by any Act or Acts of Parliament may be or are directed to be exercised by the said Mayor's Courts, or the said Courts of Oyer and Terminer and Gaol Delivery, shall and may be as fully and effectually exercised by the said Courts, to be erected in the Manner aforesaid, as the same might have been exercised and enjoyed by the said Mayor's Courts or Courts of Oyer and Terminer and Gaol Delivery respectively: Provided always, that nothing in this Act shall extend to subject the Person of the Governor, or any of the Council at the respective Settlements, or the Person of the Recorder of the said Court, to be arrested or imprisoned in any Suit, Action, or Proceeding in the said Court; nor shall it be competent for the said Courts, within their respective Jurisdictions, to hear or determine, or to entertain and exercise Jurisdiction in any Suit or Action against the Governor or any of the Council at the said Settlements of *Madras* and *Bombay* respectively, for or on Account of any Act or Order, or any other Act, Matter, or Thing whatsoever, councilled, ordered, or done by them in their Public Capacity, or acting as Governor and Council; nor shall the said Court have or exercise any Jurisdiction in any Matter concerning the Revenue under the Management of the said Governor and Council respectively, either within or beyond the Limits of the said Towns, Forts, or Factories, or concerning any Act done according to the Usage and Practice of the Country, and the Regulations of the Governor and Council; and no Person shall be subject to the Jurisdiction of any of the said Courts for or by Reason of being a Landowner, Landholder, or Farmer of Land or of Land Rent, or for receiving a Pension or Payment in Lieu or any Title to or ancient Possession of Land or Land Rent, or for receiving any Compensation or Share of Profits for collecting Rents payable to the Public out of such Lands or Districts as are actually farmed by himself, or those who are his Undertenants by virtue of the Farm, or for exercising within the said Lands or Farms any ordinary or local Authority commonly annexed to the Possession or Farm thereof, or for or by Reason of his becoming Security for the Payment of the Rents reserved, or otherwise payable out of any Lands or Farms, or Farms of Lands, within the Dominion subject to the Governments of *Madras* and *Bombay* respectively; and no Person for or by Reason of his being employed by the said Company, or the Governor and Council, or by any Person driving Authority under them, for or on Account of his being employed by a Native, or the Descendant of a Native, of *Great Britain*, shall become subject to the Jurisdiction of the said Courts respectively, in any Matter of Inheritance or Succession to Goods or Lands, or in any Matter of Dealing or Contract between Party or Parties, except in Actions for Wrongs or Trespasses only.

The Governor, Council, and Recorder of the Court not subject to Arrest.

Jurisdiction of the Courts not competent to certain Matters.

Rights of Fathers and Masters of Families to be preserved.

XII. And, in order that due Regard may be had to the Civil and Religious Usages of the Natives, be it enacted, That the Rights and Authorities of Fathers of Families, and Masters of Families, according as the same may be exercised by the Gentu or Mahomedan Law, shall be preserved to them within their Families respectively, nor shall the same be violated or interrupted by any of the Proceedings of the said Courts; nor shall any Act done in consequence of the Rule or Law of Cast, so far as respects the Members of the same Family only, be deemed a Crime, although the same may not be justifiable by the Laws of *England*.

Courts may determine Suits against the Inhabitants according to the Charter, but their Inheritance of Lands, &c. to be determined as would have been done in a Native Court; and where One Party is a Mahomedan or Gentu, by the Usages of the Defendant, &c.

XIII. And be it further enacted, That the said Courts so to be erected as aforesaid, shall have full Power to hear and determine all Suits and Actions that may be brought against the Inhabitants of *Madras* and *Bombay* respectively, in the Manner that shall be provided by the said Charter; yet nevertheless, their Inheritance and Succession to Lands, Rents, and Goods, and all Matters of Contract and Dealing between Party and Party, shall be determined, in the Case of Mahomedans, by the Laws and Usages of the Mahomedans, and where the Parties are Gentus, by the Laws and Usages of the Gentus, or by such Laws and Usages as the same would have been determined by if the Suit had been brought, and the Action commenced, in a Native Court; and where One of the Parties shall be a Mahomedan or Gentu, by the Laws and Usages of the Defendant; and in all Suits so to be determined by the Laws and Usages of the Natives, the said Court shall make such Rules and Orders for the Conduct of the same, and frame such Process for the Execution of their Judgements, Sentences, or Decrees, as shall be most consonant to the Religions and Manners of the said Natives, and to the said Laws and Usages respectively, and the easy Attainment of the Ends of Justice; and such Means shall be adopted for compelling the Appearance of Witnesses, and taking their Examination, as shall be consistent with the said Laws and Usages, so that the said Suits shall be conducted with as much Ease, and at as little Expence, as is consistent with the Attainment of substantial Justice.

XIV. And

No Action for Wrong to be against a Judicial Officer for any Order of Court, nor for any Act done by virtue of any such Order; but if any Information is intended, it must be brought according to 21 *Geo.* III. Cap. 70.

XIV. And be it further enacted, That no Action for Wrong or Injury shall be brought against any Person whatever exercising a judicial Office in any Country Court, for any Judgement, Decree, or Order of the said Court, or against any Person for any Act done by or in Virtue of the Order of the said Court; and in case any Information is intended to be brought against any such Person or Officer, the same shall be brought and proceeded in, in the same Manner, and to all Intents and Purposes in the same Form, and to the same Effect, as such Informations are directed to be proceeded in before the Supreme Court of Judicature at *Calcutta* in *Bengal*, by an Act, passed in the Twenty-first Year of His Majesty's Reign, intituled, *An Act to explain and amend so much of an Act, made in the Thirteenth Year of the Reign of His present Majesty, intituled, 'An Act for establishing certain Regulations for the better Management of the Affairs of the* East India *Company, as well in* India *as in* Europe,' *as relates to the Administration of Justice in* Bengal; *and for the Relief of certain Persons imprisoned at* Calcutta *in* Bengal *under a Judgement of the Supreme Court of Judicature, and also for indemnifying the Governor-General and Council of* Bengal, *and all Officers who have acted under their Orders or Authority, in the undue Resistance made to the Process of the Supreme Court.*

A Registry of Natives employed by the Company or *British* Subjects to be established as at *Calcutta*.

XV. And be it further enacted, That a Registry of the Natives employed in the Service of the said Company, or in the Service of *British* Subjects, or their Partners, shall be established within the Settlements of *Madras* and *Bombay* respectively, in the same Manner, to the same Effect, to the like Extent, and for the like Purpose, and subject to the like Penalties, as such Register is established at *Calcutta*, by the said Act passed in the Twenty-first Year of His present Majesty's Reign.

His Majesty to direct in the Charter that Persons may appeal from the Courts to His Majesty in Council.

XVI. And be it further enacted, That it shall and may be directed, in and by the said new Charter which His Majesty is herein empowered to grant, that in case any Person or Persons whatever shall think him, her, or themselves aggrieved, by any Judgement or Determination of either of the said Courts of Judicature, to be established as aforesaid, he, she, or they may appeal from such Judgement or Determination, to His Majesty in Council, within such Time and in such Manner, and in such Cases, as His Majesty in His said Charter shall judge proper and reasonable to be appointed and prescribed.

Records of the Mayor's Courts, or the Courts of Oyer and Terminer, to be deposited in the new Courts.

XVII. And be it further enacted, That if His Majesty shall grant such Charter as aforesaid, and erect such Courts of Judicature at *Madras* and *Bombay*, all the Records and Muniments and Proceedings whatsoever, of and belonging to the said Mayor's Courts at *Madras* and *Bombay* respectively, or to the Courts of Oyer and Terminer and Gaol Delivery, there established by the aforesaid Charter of His late Majesty, shall, from and immediately after such Courts of Judicature as His Majesty is herein empowered to erect shall be established, be delivered over, preserved, and deposited, for safe Custody in the said new Courts of Judicature respectively; to which all Parties concerned shall and may have Resort and Recourse, upon Application to the said Court.

Jurisdiction of the Mayor's Courts, and of the Presidents and Councils as Courts of Appeal, to cease on Publication of new Charter.

XVIII. And be it further enacted, That so much of the Charter granted by His late Majesty, as confers any Civil, Criminal, or Ecclesiastical Jurisdiction upon the Mayor's Courts of *Madras* and *Bombay* respectively, or upon the President and Council as a Court of Appeal from the said Courts, or of Oyer and Terminer and Gaol Delivery, at the said Settlements, or the Subordinates thereto belonging, in case a new Charter shall be granted by His Majesty, and shall be openly published at *Madras* and *Bombay* respectively, from and immediately after such Publication shall cease and determine, and be absolutely void to all Intents and Purposes; and all judicial Powers and Authorities granted by any Act or Acts of Parliament to the said Mayor's or Courts of Appeal at the said Settlements, shall cease and determine, and be no longer exercised by the said Courts; but the same shall and may be exercised by the Courts of Judicature to be erected by virtue of this Act, in the Manner, and to the Extent herein-before directed; but nevertheless the said Charter shall, in all other Respects, continue in full Force and Effect, to all Intents and Purposes, according to the true Intent and Meaning thereof, except in so far as it is altered or varied by this Act, as fully and effectually as if this Act had not been made, or such new Charter should not have been granted.

Court of Directors to cause to be paid to the Recorder of each Court 500*l.* annually out of the Revenues of the Settlement.

XIX. And be it further enacted, That during such Time as the said Settlements of *Madras* and *Bombay* respectively shall remain in the Possession of the said United Company, the Court of Directors of the said United Company shall, and they are hereby required to direct and cause to be paid to the Recorder of the said Court of Judicature at *Madras*, the Yearly Sum of Five thousand

thousand Pounds, and to the Recorder of the Court of Judicature at *Bombay* the Yearly Sum of Five thousand Pounds, and such Salaries shall be paid to them and each of them for the Time being respectively, out of the Revenues of the said respective Settlements of *Madras* and *Bombay*, at an Exchange of Eight Shillings for the Pagoda at *Madras*, and of Two Shillings and Sixpence for the *Bombay* Rupee at the Settlement of *Bombay*.

Commencement of Salaries, which are to be in lieu of all Emoluments.

XX. And be it further enacted, That the said Salaries shall take place and commence, in respect to such Persons who shall be resident in *Great Britain* at the Time of their Appointment, upon and from the Day on which such Person shall embark from *Great Britain*; and that the Salaries of all such Persons who shall at the Time of their Appointment be resident in *India*, shall commence and take place from and after their respectively taking upon them the Execution of their Office as aforesaid; and that all such Salaries shall be in lieu of all Fees of Office, Perquisites, Emoluments, and Advantages whatsoever; and that no Fees of Office, Perquisites, Emoluments, or Advantages whatsoever shall be accepted, received, or taken, in any Manner, or on any Account or Pretence whatsoever, other than such Salaries and Allowances as are in and by this Act directed to be paid.

If the Recorder return to *Europe* after Five Years Residence in *India* as such, His Majesty may order him an Annuity out of the Territorial Revenues.

XXI. And be it further enacted, That if the Recorder of the Court of Judicature at *Madras* and *Bombay* respectively, shall return to *Europe*, from Age, Infirmity, or other Cause, to be approved of by His Majesty, it shall and may be lawful for His Majesty, by Warrant under the Sign Manual, to direct and authorize an Allowance to be made out of the Revenues of the *British* Territories in *India*, to such Recorder so returning: Provided always, that it shall not be lawful for His Majesty to direct any larger Allowance to be made to such Recorder so returning, than the Sum of One thousand two hundred Pounds *per Annum*; nor shall it be lawful for His Majesty to direct any Allowance to be made to any Person who has not resided Five Years in *India* as Recorder of such Courts of Judicature: Provided always, that it shall not be lawful for His Majesty to direct the Allowance of any Sum to any Recorder as aforesaid, which, with the Allowance already directed and authorized at the Date of such Grant to be paid, either to any Recorder as aforesaid, or any Chief Justice or other Judge of the Supreme Court of Judicature at *Calcutta*, shall, in the Whole, exceed the Amount of the Salary of One of the Judges of the Supreme Court of Judicature at *Calcutta*.

If the Recorder shall die, and no Successor shall be on the Spot, the Puisne Judge of the Supreme Court at *Calcutta* to proceed to the Settlement and hold the Office till a Recorder arrives.

XXII. And, in order more effectually to provide for the regular Administration of Justice, be it enacted, That whenever it shall happen that the Recorder of *Madras* or *Bombay* respectively shall die, and no Person shall be upon the Spot, who shall be appointed by His Majesty to succeed to such Recordership, in such Case, and as soon as the same shall be made known to the Supreme Court of Judicature at *Calcutta*, the junior Puisne Judge of the said Court shall and he is hereby directed and authorized to proceed, with all convenient Speed, to the Settlement where such Vacancy shall have happened, and shall take upon himself the Office of Recorder of the said Settlement, and shall hold and exercise the same in as full and ample a Manner as if he had been appointed Recorder of the said Settlement by His Majesty by Authority of this Act, and shall continue to hold and exercise the said Office until a Recorder shall be appointed by His Majesty, and until such Recorder shall arrive at the said Settlement, and no longer.

Acting Recorder to receive a Proportion of Salary.

XXIII. And be it further enacted, That such Judge, so acting as Recorder during a Vacancy, and until the Arrival of the Person appointed to succeed the said Office, shall be entitled to receive a Proportion of Salary, and no more than would have become due to such Recorder during the Period while the Vacancy shall be supplied by such Judge as aforesaid.

Appointment of Judge not vacated by acting as Recorder.

XXIV. Provided always, That nothing in this Act shall extend, or be construed to extend, to vacate the Appointment of such Judge by Reason of his exercising the Office of Recorder as aforesaid.

Recorders not to be concerned in Traffick.

XXV. And be it further enacted, That the said Person or Persons so to be appointed by His Majesty Recorder of the Court of Judicature at *Madras* and *Bombay* respectively, shall not carry on, be concerned in, or have any Dealings or Transactions by Way of Traffick or Commerce of any Kind whatsoever, either for his or their own Use, Benefit, Profit, or Advantage, or the Use, Benefit, Profit, or Advantage of any Person whatsoever.

Recorder to be tried as the Judges of the Supreme Court at *Calcutta*.

XXVI. And be it further enacted, That all Offences committed by, or charged upon the said Recorder of the said Courts, shall be heard, tried, and determined in the same Manner as if the same were committed by or charged upon any of the Judges of the Supreme Courts of Judicature at *Calcutta*.

XXVII.

XXVII. And be it further enacted, That all new Forms of Process, or Rules and Orders for the Execution thereof, shall be transmitted to the President of the Board of Commissioners for the Affairs of *India*, to be laid before His Majesty for His Royal Approbation, Correction, or Refusal; and such Process shall be used, and such Rules shall be observed until the same shall be repealed or varied, and in the last Case with such Variation as shall be made therein.

All new Forms of Process to be transmitted to the Board for *India* Affairs.

XXVIII. And whereas the Practice of *British* Subjects lending Money, or being concerned in the lending of the same, or in Transactions for the borrowing Money for, or lending Money to, the Native Princes in *India*, has been productive of much Mischief, and is the Source of much Usury and Extortion: And whereas the wholesome Orders of the Court of Directors of the United Company of Merchants trading to *India*, have not been sufficient to restrain and repress the same: And whereas it is highly desirable that such Practices should be prevented in future; be it therefore enacted, That, from and after the First Day of *December* next, no *British* Subject shall, by himself, or by any other Person directly or indirectly employed by him, lend any Money or other valuable Thing to any Native Prince in *India*, by whatever Name or Description such Native Prince shall be called, nor shall any *British* Subject, either by himself, or by any other Person directly or indirectly employed by him, be concerned in the lending any Money to any such Native Prince, nor shall any *British* Subject be concerned either by himself or by any other Person, either directly or indirectly, in raising or procuring any Money for any such Native Prince, or as being Security for such Loan or Money, nor shall any *British* Subject lend any Money or other valuable Thing to any other Person for the Purpose of being lent to any such Native Prince, nor shall any *British* Subject, by himself or by any other Person, either directly or indirectly, for his Use and Benefit, take, receive, hold, enjoy, or be concerned in any Bond, Note, or other Security or Assignment, granted or to be granted by any such Native Prince, after the First Day of *December* next, for the Loan, or for the Re-payment of Money, or other valuable Thing, without the Consent and Approbation of the Court of Directors of the *East India* Company, or the Consent and Approbation of the Governor in Council of One of the said Company's Governments in *India*, first had and obtained in Writing; and every Person doing, acting, or transacting, or being concerned in any Actings, Doings, and Transactions, contrary to this Act, shall be deemed and taken to be guilty of a Misdemeanor at Law, and shall and may be proceeded against and punished as such, by virtue of this Act, before any Court of competent Jurisdiction; and all Bonds, Notes, Assignments, or Securities for Money, of what Kind or Nature soever, taken, held, or enjoyed, either directly or indirectly, for the Use and Benefit of any *British* Subject, contrary to the true Intent and Meaning of this Act, shall be, and the same are hereby declared to be null and void to all Intents and Purposes.

From *Dec.* 1, 1797, no *British* Subject to lend any Money, or be concerned in raising any for Native Princes, without Consent of the Court of Directors, or the Governor in Council; and any Person doing so may be prosecuted for a Misdemeanor.

Security for Money lent contrary hereto, to be void.

XXIX. And be it further enacted, That when and so often as any Information shall be given, or Complaint made, to any of the Governments of the said United Company in the *East Indies*, of any Person having acted contrary to the Provisions of this Act, such Governments shall forthwith lay the Case before the Company's Law Officers at the Settlement where it arises, who shall take the same into their Consideration, and report their Opinion thereupon, whether the same is a proper Case for Prosecution (together with their Reasons for the same), which Report shall be transmitted Home to the Court of Directors by the first convenient Opportunity.

On Complaint to the Governments in *India* for acting contrary to this Act, the Case to be laid before the Law Officers, whose Report shall be transmitted to the Court of Directors.

XXX. And whereas the Provision made by the Charter of Justice of His late Majesty, for the Establishment of a Court of Requests in and for the Towns of *Madraspatnam*, *Bombay*, and *Calcutta*, for the Recovery of Debts, Duties, and Demands therein, not exceeding the Value of Five Pagodas, in Manner therein directed, hath been found beneficial and convenient: And whereas an Extension of Jurisdiction of the said Courts for the Recovery of Debts, Duties, and Demands, to a larger Amount in Value is found to be useful; be it therefore enacted by the Authority aforesaid, That the Jurisdiction of the said Courts of Requests at and for the said Towns of *Madraspatnam*, *Bombay*, and *Calcutta*, respectively, shall be and the same is extended to the Recovery of all or any Manner of Debts, Duties, and Demands, not exceeding in Value the Sum of Eighty Current Rupees respectively; and for that Purpose that the Commissioners of the said Courts of Requests, and their Successors, shall have full Power and Authority to hear and determine all Actions, Plaints, and Suits, which have grown, or shall be brought before them, in their said respective Courts where the Debt, Duty, or Matter in Dispute, shall not exceed the said Value of Eighty Current Rupees, and to award Execution thereupon for the Debt or Sum adjudged to be due, in the same Manner as they now do for Debts and Demands under the Sum of Five Pagodas.

Jurisdictions of the Courts of Requests at *Madras*, *Bombay*, and *Calcutta*, extended to 80 Rupees.

38 GEORGII III. Cap. XXXIII.

An Act to amend Two Acts, made in the Twenty-sixth Year of King George *the Second, and the Twenty-eighth Year of the Reign of His present Majesty, respecting the Performance of Quarantine; for punishing Persons acting contrary to any Order in Council, which may be made for laying any Embargo on Ships or Vessels, or for prohibiting or regulating the Exportation of any Goods, Wares, or Merchandize; to prevent the fraudulent Importation of Glass into this Kingdom; for permitting the Removal of Coffee and Cocoa Coastwise, for the greater Convenience of Exportation; to authorize the Commissioners of the Customs to return the Duties paid on Goods imported, which shall be lost or destroyed before the Landing thereof; to prevent Vessels licensed by the Admiralty, from being engaged in any Trade or Employment not permitted by their Licences; for permitting Wines put on board any of His Majesty's Ships, to be removed from One Ship to another, without being first landed and warehoused; and for extending the Provisions of an Act, made in the Thirty-third Year of the Reign of His present Majesty, to Wines delivered into the Charge of the Collector and Comptroller of His Majesty's Customs, at the Port of* Falmouth. [*5th April*, 1798.]

(So much thereof as relates to the East India Company).

Commissioners of the Customs may permit warehoused Coffee and Cocoa to be removed from the Port of Importation in order to the same being exported.

AND whereas it is expedient to permit Coffee and Cocoa warehoused, on Importation in one Port of *England*, to be removed to some other Port thereof, for the greater Convenience of Exportation, be it enacted, That it shall and may be lawful for the Commissioners of His Majesty's Customs, or any Four or more of them, (provided they see no reasonable Objection thereto), to grant Permission for the Removal of such Coffee and Cocoa from the Port of Importation as aforesaid, to any other Port in *England*, for the Purpose of exporting the same accordingly, under such Rules, Regulations, and Restrictions, as the said Commissioners, or any Four or more of them, shall think fit and proper to require, for the Security of the Revenue.

38 GEORGII III. Cap. LVII.

An Act for the further encouraging the Southern Whale Fisheries. [21*st June* 1798.]

Preamble.

X. WHEREAS it is proper to encourage the Fishery carried on by His Majesty's *European* Subjects in the Seas to the Southward of the *Greenland* Seas and *Davis's Streights*, for the Purpose of taking Whales, and other Creatures being in those Seas, by continuing certain Premiums granted by an Act, passed in the Thirty-fifth Year of the Reign of His present Majesty, intituled, *An Act for further encouraging and regulating the Southern Whale Fisheries*, and bestowing them in a different Manner: Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the several Premiums hereafter mentioned shall be paid and allowed to Twenty-six Ships or Vessels employed in the said Fishery, under the Limitations, Restrictions, and Regulations, expressed in the said Act, and in this Act.

35 *Geo.* III. Cap. 92, recited;

and Premiums granted to 26 Ships.

Premiums and Conditions for 12 Ships.

II. And be it further enacted, That for Twelve of such Ships or Vessels which shall be so fitted and cleared out between the First Day of *January* and the Thirty-first Day of *December*, One thousand seven hundred and ninety-nine, and between the First Day of *January* and the Thirty-

Thirty-first Day of *December*, in each of the Two succeeding Years, and shall sail to the Southward of the Equator and there carry on the Fishery, and shall return before the First Day of *December* in the Year subsequent to that in which they cleared out, to some Port in *Great Britain*, there shall be paid and allowed Three hundred Pounds to each of the Four such Ships which shall so sail and first arrive, within the Times herein-before mentioned, with the greatest Quantity of Oil or Head Matter taken together, being not less in the Whole than Twenty Tons in each of such Ships or Vessels, and being the Produce of One or more Whale or Whales, or other Creatures being in those Seas, taken and killed by the Crews of every such Ship or Vessel respectively; and there shall be paid and allowed Two hundred Pounds to each of the Four such Ships or Vessels which shall, in like Manner, sail and first arrive with the next greatest Quantity of such Oil or Head Matter taken together, being not less in the Whole than Twenty Tons in every such Ship or Vessel, and being the Produce of any Whale or Whales, or other Creatures being in those Seas, so taken as aforesaid; and there shall be paid and allowed One hundred Pounds to each of the Four such Ships or Vessels, and which shall, in like Manner, sail and first arrive with the next greatest Quantity of such Oil or Head Matter taken together, being not less in the Whole than Twenty Tons in every such Ship or Vessel, and being the Produce of any Whale or Whales, or other Creatures being in those Seas, so taken as aforesaid.

Premiums and Conditions for Four other Ships.

III. And be it further enacted, That for Four other of such Ships or Vessels which shall be so fitted or cleared out, and shall sail within the Times herein-before mentioned, and proceed to the Southward of the Thirty-sixth Degree of South Latitude, and shall there *bona fide* carry on the said Fishery, and shall not return till after the Expiration of Fourteen Calendar Months from the Day on which they cleared out, but before the Thirty-first Day of *December* in the Second Year after their clearing out to some Port in *Great Britain*, there shall be paid and allowed Four hundred Pounds to each of such Ships or Vessels which shall so sail and arrive within the Times herein-before last mentioned, with the greatest Quantity of Oil and Head Matter taken together, being not less in the Whole than Twenty Tons, and being the Produce of any Whale or Whales, or other Creatures being in those Seas, and taken and killed by the Crew of such Ship or Vessel.

Premiums and Conditions for 10 other Ships.

IV. And be it further enacted, That for Ten other of such Ships or Vessels which shall be so fitted and cleared out between the First Day of *January* and the Thirty-first Day of *December* One thousand seven hundred and ninety-nine, and between the First Day of *January* and the Thirty-first Day of *December* in each of the Six succeeding Years, and shall double *Cape Horn*, or pass through the Streights of *Magellan* into the *South Seas*, and carry on the said Fishery during the Space of Four Months to the Westward of *Cape Horn* in those Seas, or shall double the *Cape of Good Hope*, and carry on the said Fishery during the Space of Four Months to the Eastward of One hundred and five Degrees of East Longitude from *London*, and shall not return to some Port of *Great Britain* till after the Expiration of Sixteen Calendar Months from the Day on which they cleared out, but before the Thirty-first Day of *December* in the Second Year after their clearing out, there shall be paid and allowed Six hundred Pounds to any One of such Ships or Vessels which shall so sail and arrive within the Times herein last mentioned, with the greatest Quantity of Oil and Head Matter taken together, being not less in the Whole than Thirty Tons, and being the Produce of any Whale or Whales, or other Creatures being in those Seas, and taken and killed by the Crew of such Ship or Vessel in the said Voyage, either Outward or Homeward; and there shall be paid and allowed Five hundred Pounds to each of Nine of such Ships and Vessels last before-mentioned, which shall so sail and arrive within the Times herein last before-mentioned, with the next greatest Quantity of Oil and Head Matter taken together, being not less in the Whole than Thirty Tons, and being the Produce of any Whale or Whales, or other Creatures being in those Seas, and taken and killed by the Crew of such Ship or Vessel in the said Voyage, either Outward or Homeward.

Ships licenced conformably to the recited Act, may pass beyond 51 Degrees of East Longitude from *London*.

V. And, for extending the Limits prescribed in the said Act for the said Southern Whale Fisheries, be it enacted, That any Ship or Vessel fitting and clearing out, and licensed conformably to the said Act, and sailing to the Eastward of the *Cape of Good Hope* for the Purpose aforesaid, may pass beyond Fifty-one Degrees of East Longitude from *London*, provided that such Ship or Vessel, after passing Fifty-one Degrees of East Longitude from *London*, shall not sail or pass to the Northward of Fifteen Degrees Southern Latitude, until she shall have sailed or passed to the Eastward of One hundred and eighty Degrees of East Longitude; any Thing in the said Act, or any Law, Usage, or Custom, to the contrary notwithstanding.

and beyond 180 Degrees of West Longitude from *London*, under certain Restrictions.

VI. And be it further enacted, That any Ship or Vessel fitting or clearing out, and licensed conformably to the said Act, and sailing or passing to the Westward of *Cape Horn*, or through the Streights of *Magellan*, for the Purpose aforesaid, may sail or pass beyond One hundred and eighty Degrees of West Longitude from *London*; provided such Ships and Vessels, when they have passed beyond One hundred and eighty Degrees of West Longitude from *London*, do not pass to the Northward of Fifteen Degrees South Latitude, until they come within Fifty-one Degrees of East Longitude from *London*; any Thing in the said Act to the contrary notwithstanding.

Persons described in the recited Act, not exceeding 40 Families, who shall come to the Port of *Milford*, by *Dec.* 31, 1805, and bring not more than 20 Vessels built before *Jan.* 1, 1798, to be entitled to the same Privileges as if they had come by *Dec.* 31, 1798.

VII. And be it further enacted, That any Person or Persons, as described in the said Act, not exceeding Forty Families, who shall, on or before the Thirty-first Day of *December* One thousand eight hundred and five, come to the Port of *Milford* in the County of *Pembroke*, with his or their Family or Families, and shall bring any Ship or Vessel, or any Number of Ships and Vessels not exceeding Twenty in the Whole, to the said Port of *Milford*, built before the First Day of *January* One thousand seven hundred and ninety-eight, and manned as directed in the said Act, shall, upon complying with all the Rules, Regulations, and Conditions contained in the said Act respecting such Person or Persons, be entitled to all the Benefits, Privileges, and Advantages thereby granted to such Person or Persons, in as full and ample Manner as if such Person or Persons had come to the said Port on or before the Thirty-first Day of *December* One thousand seven hundred and ninety-eight, in any Ship or Vessel built before the First Day of *January* One thousand seven hundred and ninety-five.

39 GEORGII III. Cap. XXXVII.

An Act for remedying certain Defects in the Law respecting Offences committed upon the High Seas. [10*th May*, 1799.]

Preamble 28 *Hen.* VIII, Cap. 15.

WHEREAS by an Act, passed in the Twenty-eighth Year of King *Henry* the Eighth, it is enacted, That Treasons, Felonies, Robberies, Murthers, and Confederacies, committed on the High Seas, shall be enquired of, tried, and determined, in such Shires and Places in the Realm, as shall be limited by the King's Commission to be directed for the same, in like Form and Condition as if any such Offence or Offences had been committed or done in or upon the Land: And whereas it is expedient to declare that other Offences committed on the Seas may be enquired of, tried, and determined, in like Manner; be it enacted and declared by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and every Offence and Offences which, after the passing of this Act, shall be committed upon the High Seas out of the Body of any County of this Realm, shall be, and they are hereby declared to be Offences of the same Nature respectively, and to be liable to the same Punishments respectively, as if they had been committed upon the Shore; and shall be enquired of, heard, tried, and determined and adjudged, in the same Manner as Treasons, Felonies, Murthers, and Confederacies, are directed to be by the same Act.

Offences committed on the High Seas to be liable to the same Punishments as if committed on Shore, and to be tried and adjudged in the same Manner as Felonies, &c. are directed by the recited Act.

Persons tried for Murther or Manslaughter, and found guilty of Manslaughter only, shall be entitled to the Benefit of Clergy, and be subject to the same Punishment as if committed on Land.

II. And be it further enacted, That when any Person or Persons shall be tried for the Crime of Murther or Manslaughter committed on the Sea, by virtue of any Commission directed under the said Act, and shall be found guilty of Manslaughter only, such Person or Persons shall be entitled to receive the Benefit of Clergy in like Manner, and shall be subject to the same Punishment, as if he or they had committed such Manslaughter in or upon the Land.

39 GEORGII III. Cap. LIX.

An Act for permitting certain Goods imported from the East-Indies, *to be warehoused; and for repealing the Duties now payable thereon and granting other Duties in lieu thereof.* [13*th June*, 1799.]

Preamble.

WHEREAS it is expedient, in order to secure to this Country the Benefit of an extended Trade in Goods, the Produce and Manufacture of the *East-Indies*, that certain Goods imported from thence should be permitted to be warehoused, and that the Duties on the same should be repealed, and other Duties should be granted in lieu thereof: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, from and after the Thirty-first Day of *August* One thousand seven hundred and ninety-nine, it shall and may be lawful for the United Company of Merchants of *England* trading to the *East-Indies*, on the legal Importation into this Kingdom of any Goods, Wares, or Merchandize, (except as herein-after is provided), to enter, and land and lodge any such Goods, Wares, and Merchandize, in Warehouses, under the Securities, Rules, Regulations, and Restrictions directed and required by this Act, on Payment, in the Manner herein-after directed, of the following new and additional Duties of Customs, and without Payment of any other Duty whatever, save and except the Duties of Customs imposed by an Act, passed in the last Session of Parliament, intituled, *An Act for the better Protection of the Trade of this Kingdom, and for granting new and additional Duties of Customs on Goods imported and exported, and on the Tonnage of certain Ships entering Outwards or Inwards to or from Foreign Parts, until the signing the Preliminary Articles of Peace*; *videlicet*,

From *Aug.* 31, 1799, the *East-India* Company may warehouse imported Goods on Payment of certain Additional Duties.

38 *Geo.* III. Cap. 76.

Additional Duties.

For every One hundred Pounds of the true and real Value of all Muslins plain, Nanquin Cloths, Muslins or White Callicoes flowered or stitched, imported by the United Company of Merchants of *England* trading to the *East-Indies*, the Sum of Seven Pounds and Ten Shillings:

For every One hundred Pounds of the true and real Value of all plain White Callicoe, plain White Dimity, and of all Goods, Wares, and Merchandize, prohibited to be worn or used in this Kingdom, imported by the said United Company, the Sum of Two Pounds and Ten Shillings:

And for every One hundred Pounds of the true and real Value of all other Goods, Wares, and Merchandize, imported by the said United Company, (except Bullion, Diamonds, and other precious Stones, Tea, Cotton Wool, Nutmegs, Mace, Cloves, and Cinnamon), the Sum of Two Pounds:

Which Value shall be ascertained according to the Gross Price at which such Goods respectively shall have been sold at the Sales of the said United Company, without any Deduction or Abatement whatever; and so in Proportion for any greater or less Value than One hundred Pounds.

Additional Duties may be secured by Bond.

II. And be it further enacted, That it shall and may be lawful for the said United Company to secure by Bond, in the usual and accustomed Manner, the new and additional Duties of Customs imposed by this Act, which Bond shall be given to His Majesty, His Heirs and Successors, in a Penalty equal to Double the Amount thereof, with Condition for the Payment of the said Duties, within Four Months after the Expiration of each and every Publick Sale of Goods, Wares, or Merchandize, by the said United Company.

Goods duly entered and regularly landed may be lodged in Warehouses approved by the Commissioners of the Customs, whose Officers are to take an Account of the Goods.

III. Provided always, and be it further enacted, That before any such Goods, Wares, or Merchandize, shall be so lodged or secured in Warehouses, the same shall be duly entered with the proper Officer or Officer of the Customs, and regularly landed, after which such Goods, Wares, or Merchandize, shall and may be lodged or secured in such Warehouses as are now provided by the said United Company, or which may hereafter be provided by them, such Warehouses to be first approved by the Commissioners of His Majesty's Customs in England for the Time being, or any Four or more of them; but before any such Goods, Wares, or Merchandize, or any Part thereof, shall be so lodged or secured in such Warehouses, or as soon after as conveniently may be, the same shall be examined by the proper Officer or Officers of the Customs, who shall take a particular and correct Account of the Quantity, Quality, Species, Number, and Contents thereof, which Account shall be regularly entered in a Book or Books to be

be provided and kept for that Purpose, and in such Manner as they the said Commissioners shall from Time to Time think proper to direct.

Purchasers or Proprietors of Goods, sold by the Company, may export them directly from the Warehouse, on Payment of the Duty imposed by 38 *Geo.* III. Cap. 76, and entering into Bond that they shall not be relanded in *Great Britain*, &c.

IV. And it is hereby further enacted, That it shall and may be lawful for the Purchaser or Purchasers, or Proprietor or Proprietors of any Goods, Wares, or Merchandize, so lodged or secured in Warehouses by virtue or in pursuance of this Act, and which have been publicly sold by the said Company, to export the same directly from the Warehouse or Warehouses in which the same have been respectively lodged or secured, without Payment of any further Duty or Duties of Customs or Excise whatever, save and except the Duty or Duties of Customs imposed by the said recited Act, passed in the last Session of Parliament; provided that the Exporter or Exporters, or Proprietor or Proprietors, of any such Goods, Wares, or Merchandize, shall, before the Delivery thereof for Exportation, make a due Entry with the proper Officer or Officers of His Majesty's Customs, and shall, together with the Master or other Person having or taking the Charge or Command of the Ship or Vessel in which such Goods, Wares, or Merchandize, are intended to be exported, and One sufficient Surety, (to be approved by the Collector and Comptroller of the Customs at the Port of Exportation), enter into Bond to His Majesty, His Heirs and Successors, in Treble the Value thereof, with Condition that the said Goods, Wares, or Merchandize, so intended to be exported, shall be landed at the respective Ports or Places for which the same shall have been entered, and that no Part of the same shall be relanded in *Great Britain*, or landed in the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, or the Islands of *Faro* or *Ferro*.

Such Goods landed in *Guernsey*, &c. may be seized.

V. And be it further enacted, That if any Goods, Wares, or Merchandize, which shall have been shipped for Exportation, according to the Regulations of this Act, shall afterwards be landed in the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, or the Islands of *Faro* or *Ferro*, the same shall be forfeited, and shall and may be seized by any Officer or Officers of the Customs.

Purchasers or Proprietors of Goods sold at public Sales of the Company, taken out of Warehouses for Home Consumption, to make Entry and pay certain Duties.

VI. And be it further enacted, That in case the Purchaser or Purchasers, or Proprietor or Proprietors, of any Goods, Wares, or Merchandize, imported by the said United Company, and lodged or secured in Warehouses according to the Directions of this Act, which shall have been sold at the public Sales of the said Company, after the said Thirty-first Day of *August* One thousand seven hundred and ninety-nine, such Goods not being prohibited to be worn or used in this Kingdom, shall intend to take any such Goods, Wares, or Merchandize, from any such Warehouse, for the Purpose of being used or consumed in this Kingdom, such Purchaser or Purchasers, or Proprietor or Proprietors, shall, before the same shall be so delivered from any such Warehouse, make a due Entry of such Goods, Wares, or Merchandize, with the proper Officers of His Majesty's Customs, and pay down in ready Money, without any Discount or Abatement, to the Collector or other proper Officer of the Customs, the several and respective Duties of Customs herein-after mentioned; (that is to say), on all such Goods, Wares, and Merchandize, so intended to be taken out of any such Warehouse as aforesaid, not being prohibited to be used or consumed in this Kingdom, and which are particularly enumerated or described in the Table hereunto annexed, marked A. the several Duties of Customs, as the same are respectively inserted, described, and set forth in Figures in the said Table marked A., and which Duties, so paid, shall be instead and in lieu of the several Duties of Customs due and payable on and immediately before the Thirty-first Day of *August* One thousand seven hundred and ninety-nine, on any such Goods, Wares, or Merchandize, imported by the said United Company, save and except the Duties of Customs payable by virtue of the said recited Act, passed in the last Session of Parliament; and on all Goods, Wares, or Merchandize, so intended to be taken out of any such Warehouse as aforesaid, not being prohibited to be used or consumed in this Kingdom, and which are not particularly enumerated or described in the said Table marked A. the several and respective Duties of Customs due and payable on the Importation of any such Goods, Wares, or Merchandize, by the said United Company, by any Act or Acts of Parliament in force on and immediately before the said Thirty-first Day of *August* One thousand seven hundred and ninety-nine.

No Drawback to be allowed on Exportation of Goods sold by the Company after *August* 31, 1799, except on certain Articles.

VII. And be it further enacted, That no Drawback of any Duty of Customs whatsoever shall be paid or allowed on the Exportation of any Goods, Wares, or Merchandize, imported into this Kingdom by the United Company of Merchants of *England* trading to the *East-Indies*, which shall have been sold at the Sales of the said United Company after the Thirty-first Day of *August* One thousand seven hundred and ninety-nine, except Muslins plain, Nanquin Cloth, Muslins or White Callicoes flowered or stitched, plain White Callicoes and Dimities, which shall have been printed, stained, painted, or dyed in this Kingdom, and on the due Exportation from this Kingdom of any such Goods so printed, stained, painted, or dyed, on which the full Duties, as the

the same are inserted, described, and set forth in the Table hereunto annexed, marked A. have been paid, there shall be paid or allowed to the Exporter or Exporters thereof, the several Drawbacks of the said Duties, as the same are respectively inserted, described, and set forth in the said Table marked A.: Provided always, That nothing herein contained shall in anywise alter or repeal the Drawbacks now payable on the Exportation from this Kingdom, of Tea, Nutmegs, Mace, Cloves, and Cinnamon: Provided also, That no Drawback shall be paid or allowed on any Goods, Wares, or Merchandize, so taken out of any Warehouse as aforesaid, and on which the full Duties have been paid, unless such Goods, Wares, or Merchandize, shall be actually shipped on board the Ship or Vessel in which the same are intended to be exported, within the Space of One Year from the Time of the Payment of such full Duty.

Act not to repeal the present Drawbacks on certain Articles.

No Drawback to be allowed on warehoused Goods not shipped within a Year from Payment of Duty.

VIII. And be it further enacted, That before any Goods, Wares, or Merchandize, shall be delivered out of or taken from any Warehouse or Warehouses in which the same shall have been lodged or secured by virtue or in pursuance of this Act, for the Purpose of Exportation, each and every Package thereof shall be marked in such distinguishing Manner as the Commissioners of His Majesty's Customs in *England*, or any four or more of them, shall from Time to Time direct.

Before Goods are taken out for Exportation, every Package to be marked as the Commissioners of Customs shall direct.

IX. And be it further enacted, That the proper Officer or Officers of the Customs shall keep a regular and correct Account of all Goods, Wares, or Merchandize, imported by the said United Company, distinguishing the Cargoes respectively imported in each particular Ship or Vessel; and within the Space of Three Years, from the Day on which the Captain or Commander of each and every such Ship or Vessel shall, in the usual and accustomed Manner, have made his Report at the Custom House, the said United Company shall pay, or cause to be paid, to the proper Officer of the Customs, all and every Sum or Sums of Money due and payable on Account of the Cargoes respectively imported in such Ship or Vessel, according to the Account taken at the First Examination thereof; and in case any Part of the Cargo of any Ship or Vessel shall then remain unexported, and without the full Duties having been paid thereon, it shall and may be lawful for the Commissioners of the Customs in *England* for the Time being, or any four or more of them, to require the said United Company to cause such Goods, Wares, or Merchandize, to be sold, in case they shall not have been sold, (unless Leave shall have been previously obtained from the Lords Commissioners of His Majesty's Treasury to grant a further Time previous to such Re-sale being so ordered, which they are hereby authorized to do, upon satisfactory Evidence of the Necessity of the Case being laid before them); and in case they shall have been sold, then to be resold, either for Exportation, if such Goods, Wares, or Merchandize, are prohibited to be worn or used in this Kingdom, or for Exportation or Home Consumption, if not so prohibited, in the Manner herein-after directed; and after such Sale or Re-sale, the Produce thereof shall first be applied to or towards the Payment of the Freight, Primage, and Charges of Warehouse Room, and other Charges that shall arise thereon, next the Customs and Duties, and the Overplus to be paid to the Proprietors or other Persons authorized to receive the same; and if from the Account to be kept as aforesaid, it shall appear that the Quantity, Number, or Contents, of any such Goods, Wares, or Merchandize, is or are less than the Quantity, Number, or Contents, taken by the proper Officer or Officers of the Customs, according to the Directions of this Act, at the First Examination of such Goods, Wares, or Merchandize, or that the Whole thereof has not been duly exported, or the full Duties paid thereon, or any Part thereof remaining to be disposed of as before directed, the said United Company shall, within Thirty Days, pay, or cause to be paid, the full Duties on such Goods, Wares, or Merchandize, so remaining unexported, or on which the full Duties have not been paid; and in all Cases when the said Commissioners of the Customs shall so require the Sale of any such Goods, Wares, or Merchandize, the same shall be put up for Sale by the said United Company at their then next ensuing Sale, and such Goods, Wares, or Merchandize, shall be then sold by the said United Company for the highest Price that shall be then publicly offered for the same.

Officers of the Customs to keep an Account of all Goods imported. Regulations respecting Payment of Duties thereon, &c.

In case of a Deficiency of warehoused Goods, compared with the Account of the Officers of the Customs, the Values for ascertaining the Duties to be taken at the highest Price at the last Sale.

X. Provided always, That in Case any Goods, Wares, or Merchandize, so lodged or secured in any Warehouse or Warehouses as aforesaid, shall be liable to Duties according to the Value thereof, and there shall be a Deficiency of the Whole or any Part of such Goods, Wares, or Merchandize, on comparing them with the Quantity, Number, or Contents taken by the proper Officers of the Customs, according to the Directions of this Act, at the First Examination of such Goods, Wares, or Merchandize, such Values, in order to ascertain the Duties thereon, shall be taken according to the highest Gross Price at which Goods of the like Sorts, Denominations, or Descriptions, shall have been sold at the last Sale of the said United Company, in which Goods of such Sorts, Denominations, or Descriptions were sold.

Goods unsold remaining in Warehouses on *Aug.* 31, 1799, except Tea, Cotton, Wool, Nutmeg, Mace, Cloves, Cinnamon, &c. liable to the additional Duties, and not to be delivered for Exportation but according to the Regulations of this Act, nor for any other Purpose, but under the same Rules as if imported since that Day.

XI. And be it further enacted, That in case any Goods, Wares, or Merchandize, imported into this Kingdom by the said United Company, (except Tea, Cotton Wool, Nutmegs, Mace, Cloves, and Cinnamon, and Bullion, Diamonds, and other precious Stones), shall, on the said Thirty-first Day of *August* One thousand seven hundred and ninety-nine, remain in any Warehouse belonging to the said United Company unsold, all such Goods, Wares, and Merchandize, shall be subject and liable to the new and additional Duties of Customs by this Act imposed, for every One hundred Pounds of the true and real Value thereof, according to the Gross Price at which such Goods shall be sold at the public Sales of the said United Company, and which Duties shall be payable by the said United Company in the Manner directed by this Act; and such Goods, Wares, or Merchandize, shall not be delivered from the Warehouse in which they have been lodged or secured, for the Purpose of Exportation, but on the Securities, and under the Rules, Regulations, and Restrictions required by this Act; nor shall any such Goods, Wares, or Merchandize, be delivered from any such Warehouse, for any other Purpose, but on Payment of the full Duties due and payable thereon, in like Manner, and under such Rules, Regulations, and Restrictions, as if such Goods, Wares, and Merchandize, had been imported into this Kingdom by the said United Company after the said Thirty-first Day of *August* One thousand seven hundred and ninety-nine, any Bond or Security, Law, Custom, or Usage, to the contrary notwithstanding.

The Duties paid before *Aug.* 31, 1799, on warehoused Goods unsold, may be repaid by the Commissioners of Customs.

XII. Provided always, That if the said United Company shall, before the said Thirty-first Day of *August* One thousand seven hundred and ninety-nine, have paid to the proper Officer of His Majesty's Customs the Whole or any Part of the Duties which may have become due and payable on any such Goods, Wares, or Merchandize, so remaining unsold in any of the Warehouses belonging to the said United Company, it shall and may be lawful for the Commissioners of His Majesty's Customs in *England*, or any Four or more of them, to direct such Duties so paid by the said United Company, to be repaid in such Manner as they the said Commissioners shall think fit to direct.

If Goods delivered for Exportation, on which the full Duties have not been paid, shall not be regularly shipped, or shall be relanded, they shall be forfeited with the Vessel.

XIII. And be it further enacted, That in case any Goods, Wares, or Merchandize, which shall have been warehoused or otherwise secured according to the Directions of this Act, and on which the full Duties shall not have been paid, shall, after having been delivered for Exportation from the Warehouse for the Purpose of being shipped on board any particular Ship or Vessel, not be regularly shipped on board such Ship or Vessel, or having been put into any Bark, Hoy, Lighter, Barge, Boat, or Wherry, in order to be shipped on board such Ship or Vessel, shall not be regularly shipped on board the same, or shall be relanded from any such Bark, Hoy, Lighter, Barge, Boat, or Wherry, or having been shipped on board the Ship or Vessel in which the same are intended to be exported, shall be unshipped or relanded therefrom, except by Necessity or Distress, to be proved to the Satisfaction of the said Commissioners of the Customs in *England*, such Goods, Wares, or Merchandize, shall be forfeited, and shall and may be seized by any Officer or Officers of the Customs; and the Ship or Vessel from or out of which any such Goods shall be fraudulently unshipped, and also the Ship, Vessel, Lighter, or Boat into which any such Goods shall be received or taken, shall be forfeited, and shall and may be seized by any Officer or Officers of His Majesty's Customs.

Where Goods are liable to Forfeiture for being unshipped, the Vessels also to be liable.

XIV. And whereas the Laws now in Force, made to prevent the fraudulent unshipping or relanding of Goods, Wares, or Merchandize, shipped for Exportation to Foreign Parts, have not been found sufficient to answer the good Purposes thereby intended, and it is expedient, in order to prevent such illicit Practice in future, that where any Goods, Wares, or Merchandize, which have been shipped for Exportation to Foreign Parts, are by the Laws now in Force, or by this present Act, made liable to Forfeiture for being unshipped at Sea, or landed in the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, or the Islands of *Faro* or *Ferro*, or relanded in this Kingdom, that the Ship or Vessel out of or from which any such Goods, Wares, or Merchandize shall be so unshipped, landed, or relanded, should also be subject and liable to Forfeiture: Be it therefore enacted, That where by this present Act, or any other Act or Acts of Parliament in Force on or immediately before the Thirty-first Day of *August* One thousand seven hundred and ninety-nine, any Goods, Wares, or Merchandize which have been shipped in order to be exported to Foreign Parts, are or shall be liable to Forfeiture for or on Account of the same being unshipped at Sea, or landed in the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, or the Islands of *Faro* or *Ferro*, or relanded in this Kingdom, then, and in such Cases, the Ship or Vessel out of or from which any such Goods, Wares, or Merchandize, shall be so unshipped, landed, or relanded, shall be subject and liable to Forfeiture, together with all her

Guns, Furniture, Ammunition, Tackle, and Apparel, and shall and may be seized by any Officer or Officers of the Customs.

No warehoused Goods shall be exported to any Part of Europe, in Vessels of less than 100 Tons Burthen;

XV. And be it further enacted, That no Goods, Wares, or Merchandize whatever, which shall have been lodged or secured in Warehouses according to the Regulations of this Act, shall afterwards be exported, or entered for Exportation, to any Part of *Europe*, from any such Warehouse or Warehouses, in any Ship or Vessel whatever which shall not be of the Burthen of One hundred Tons or upwards.

nor any seized wrought Silks, &c. after being sold at any Custom House in *Great Britain*.

XVI. And be it further enacted, That no wrought Silks, Bengals, or Stuffs mixed with Silk or Herba, of the Manufacture of *Persia*, *China*, or *East India*, nor any Calicoes printed, dyed, painted, or stained there, which shall have been or shall be seized under the Authority of any Act or Acts of Parliament relating to the Revenue of Customs, shall, after Sale thereof at any Custom House in *Great Britain*, be exported, or entered for Exportation to any Part of *Europe*, in any Ship or Vessel which shall not be of the Burthen of One hundred Tons or upwards.

Seized Goods to be exported from *London* only.

XVII. Provided always, that when any such Goods, Wares, or Merchandize, which have been or shall be so seized, shall be intended for Exportation, and the same shall be in any Port of *Great Britain*, other than the Port of *London*, it shall not be lawful to export such Goods, Wares, or Merchandize, from any such Port but that the same shall be removed, according to the Laws and Regulations now in Force, to the Port of *London*, and shall be exported from the said Port of *London* only.

Prize Goods to be subject to the like Duties, and entitled to the like Drawbacks, as Goods imported by the Company are by this Act; and also Goods imported by virtue of any Act in force on *Aug.* 31, 1799.

XVIII. Provided always, and be it further enacted, That all Goods, Wares, and Merchandize, of the Growth, Production, or Manufacture of *China* or the *East Indies*, taken and condemned as Prize, shall be subject to such Duties, and entitled to such Drawbacks, as the like Sorts of Goods are respectively subject and entitled to by this Act when imported by the said United Company, and shall be subject and liable also to all and every the additional Regulations and Restrictions enjoined and required by this Act; and that all Goods, Wares, and Merchandize of the Growth, Production, or Manufacture of *India* or *China*, or other Parts within the Limits of the exclusive Trade of the said United Company, imported or brought into this Kingdom by virtue or under the Authority of any Act or Acts of Parliament in Force on and immediately before the said Thirty-first Day of *August* One thousand seven hundred and ninety-nine, shall be subject to such Duties, and entitled to such Drawbacks, as the like Sorts of Goods, Wares, or Merchandize, are subject and entitled to by this Act, when imported by the said United Company, and shall be also subject and liable to all and every the additional Regulations and Restrictions enjoined and required by this Act.

Act not to alter Duties payable to the City of *London*, &c.

XIX. Provided likewise, That nothing in this Act contained shall extend, or be construed to extend, to repeal or in anywise alter the Duties of Package, Scavage, Balliage, or Portage, or any other Duties payable to the Mayor and Commonalty and Citizens of the City of *London*, or to the Lord Mayor of the said City for the Time being, or to any other City or Town Corporate within the Kingdom of *Great Britain*, or to any special Privilege or Exemption to which any Person or Persons, Bodies Politic or Corporate, is or are now entitled by Law, but the same shall be continued as aforesaid.

nor 38 *Geo.* III, Cap. 76;

XX. Provided also, That nothing in this Act contained shall extend, or be construed to extend, to repeal, or in anywise vary or alter the said recited Act of the last Session of Parliament, during the Continuance thereof.

nor to allow Importation into, or Exportation from, *Great Britain*, of any Goods, contrary to Acts in force on *Aug.* 31, 1799.

XXI. Provided likewise, That nothing in this Act contained shall extend, or be construed to extend, to permit or allow any Goods, Wares, or Merchandize whatever to be imported into, or exported from *Great Britain*, in any Way or Manner contrary to any Act or Acts of Parliament in Force on and immediately before the said Thirty-first Day of *August* One thousand seven hundred and ninety-nine, except in any Case where Provision is expressly made for that Purpose in this Act.

Duties to be under the Management of the Commissioners of Customs, and to be paid into the Exchequer.

XXII. And be it further enacted, That the Duties of Customs by this Act imposed shall be under the Management of the Commissioners of the Customs in *England* for the Time being; and that all the Monies arising from Time to Time by the several Duties by this Act imposed (the necessary Charges of raising and accounting for the same respectively excepted) shall from Time

Time to Time be paid into the Receipt of His Majestys Exchequer at *Westminster*; and the said Money, so paid in as aforesaid, shall be carried to and made Part of the Consolidated Fund.

Commissioners of the Customs may compensate their Officers affected by this Act.

XXIII. And be it further enacted, That it shall and may be lawful to and for the Commissioners of His Majesty's Customs, and they are hereby authorized and required, to make such Allowance to the Persons who are at present employed in the Service of the Customs, whose Incomes shall be reduced by the Operation of this Act, in lieu of and by way of Compensation and Satisfaction for the same, as they in their Discretion shall judge necessary, and so order or direct; any Thing in this present Act, or any other Act or Acts contained to the contrary notwithstanding.

Duties and Drawbacks to be managed as former Duties and Drawbacks, &c.

XXIV. And be it further enacted, That the Duties and Drawbacks of Customs hereby imposed and allowed, shall and may be managed, ascertained, raised, levied, collected, answered, paid, secured, recovered, and allowed in such and the like Manner, and in and by any and either of the Ways, Means, and Methods, so far as the same are applicable to this Act, by which any of the Duties or Drawbacks of Customs on Goods, Wares, or Merchandize, imposed and payable by any Act or Acts of Parliament in Force on and immediately before the passing of this Act, were or might be managed, ascertained, raised, levied, collected, answered, paid, secured, recovered, and allowed; and the Goods, Wares, or Merchandize so by this Act made chargeable with the said Duties of Customs, and on which the Drawbacks are allowed, shall be and the same are hereby made subject and liable to all and every the Conditions, Regulations, Rules, Restrictions, Penalties, and Forfeitures, to which any Goods, Wares, or Merchandize, upon which any Duties or Drawbacks of Customs are imposed or payable, were subject and liable by any Act or Acts of Parliament in Force on and immediately before the passing of this Act; and all and every Pain, Penalty, Fine, or Forfeiture, for any Offence whatever committed against or in Breach of any Act or Acts of Parliament in Force on and immediately before the passing of this Act, made for securing the Revenue of Customs, or for the Regulation and Improvement thereof, and the several Clauses, Powers, and Directions, therein contained, shall, and are hereby directed and declared to extend to, and shall be respectively applied, practised, and put in Execution, for and in respect of the Duties or Drawbacks of Customs hereby charged and allowed, as far as the same are applicable thereto, in as full and ample a Manner, to all Intents and Purposes whatever, as if all and every the said Acts, Clauses, Provisions, Powers, Directions, Pains, Penalties, and Forfeitures, were particularly repeated and re-enacted in the Body of this present Act.

Penalties may be sued for, and disposed of as they may now be.

XXV. And be it further enacted, That all Penalties incurred by this Act shall and may be sued for, prosecuted, recovered, and disposed of in such Manner, and by such Ways, Means, and Methods, as any Penalties incurred for any Offence against the Laws of Customs may now legally be sued for, prosecuted, recovered, and disposed of; and the Officer or Officers concerned in Prosecutions under this Act, shall be entitled to and receive such Share of the Produce arising from any pecuniary Fine or Penalty, or Composition paid for any Offence against this Act, as they are now by any Law or Regulation entitled to upon Prosecutions for pecuniary Penalties.

Limitation of Actions.

XXVI. And be it further enacted, That if any Action or Suit shall be brought or commenced against any Person or Persons for any Thing done or performed in pursuance of this Act, such Action or Suit shall be commenced within Three Calendar Months next after the Fact committed, and not afterwards, and shall be laid in the County or Place where the Cause of Complaint did arise, and not elsewhere; and the Defendant or Defendants in every such Action or Suit may plead the General Issue, and may give this Act and the special Matter in Evidence at any Trial to be had thereupon; and if the Jury shall find for the Defendant or Defendants in such Action or Suit, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his or their Action or Suit after the Defendant or Defendants hath or have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and have the like Remedy for the same as any Defendant hath in any other Cases to recover Costs by Law.

General Issue.

Treble Costs.

Act may be altered or repealed this Session.

XXVII. Provided always, and be it further enacted, That this Act, or any Part thereof, may be altered, varied, or repealed, by any Act or Acts to be made in this present Session of Parliament.

TABLE

TABLE A.

	Duty. £.	s.	d.	Drawback. £.	s.	d.
Arrangoes.—For every 100*l.* of the true and real Value thereof, according to the gross Price at which such Goods shall have been sold at the Public Sales of the United Company of Merchants of *England* trading to the *East Indies*, and in that Proportion for any greater or less Value — — — —	53	9	1			
Callicoes.—*Viz.*						
——— Plain White Callicoes, the Piece — — —	6	8				
——— For such of the said Goods which shall be exported from this Kingdom, having been printed, stained, painted, or dyed, therein, the Piece — —				—	6	8
N. B. No Piece of Callico of the Breadth of One Yard and One Quarter, or under, shall exceed in Length Ten Yards, and no Piece of Callico above that Breadth shall exceed Six Yards; and if any Piece of Callico shall exceed those Lengths, the same shall be charged according to the respective Lengths of Ten Yards and Six Yards for each Piece, and shall pay Duty for the same in that Proportion for any greater or less Quantity.						
——— And besides for every 100*l.* of the true and real Value thereof, according to the gross Price at which such Goods shall have been sold at the Public Sales of the United Company of Merchants of *England* trading to the *East Indies*, and in that Proportion for any greater or less Value — — — —	20	19	1			
——— The Drawback of the last mentioned further Duty of 20*l.* 19*s.* 1*d.* to be allowed on the Exportation of such of those Goods which shall have been printed, stained, painted, or dyed, in this Kingdom, shall be, for every 100*l.* of the true and real Value thereof, according to the gross Price at which such Goods shall have been sold at the Public Sales of the United Company of Merchants of *England* trading to the *East Indies*; and in that Proportion for any greater or less Value — —				20	19	1
China Ware.—For every 100*l.* of the true and real Value thereof, according to the gross Price at which such Goods shall have been sold at the Public Sales of the United Company of Merchants of *England* trading to the *East Indies*, and in that Proportion for any greater or less Value — — — —	109	8	6			
Cotton Manufactures, not otherwise particularly enumerated or described.—For every 100*l.* of the true and real Value thereof, according to the gross Price at which such Goods shall have been sold at the Public Sales of the United Company of Merchants of *England* trading to the *East Indies*, and in that Proportion for any greater or less Value — — — —	122	4	5			
Cowries.—For every 100*l.* of the true and real Value thereof, according to the gross Price at which such Goods shall have						

	Duty. £.	s.	d.	Drawback. £.	s.	d.
have been sold at the Public Sales of the United Company of Merchants of *England* trading to the *East Indies*, and in that Proportion for any greater or less Value	53	9	1			
DIMITY.—*Viz.*						
——— Plain White Dimity, the Yard — —	—	2	0			
——— For such of the said Goods which shall be exported from this Kingdom, having been printed, stained, painted, or dyed, therein, the Yard — —				—	1	8
——— And besides for every 100*l.* of the true and real Value thereof, according to the gross Price at which such Goods shall have been sold at the Public Sales of the United Company of Merchants of *England* trading to the *East Indies*, and in that Proportion for any greater or less Value — — — —	22	3	6			
——— The Drawback of the last mentioned further Duty of 22*l.* 3*s.* 6*d.* to be allowed on the Exportation of such of those Goods which shall have been printed, stained, painted, and dyed, in this Kingdom, shall be for every 100*l.* of the true and real Value thereof, according to the gross Price at which such Goods shall have been sold at the Public Sales of the United Company of Merchants of *England* trading to the *East Indies*, and in that Proportion for any greater or less Value —				20	3	2
DRUGS, manufactured, not otherwise particularly enumerated or described.—For every 100*l.* of the true and real Value thereof, according to the gross Price at which such Goods shall have been sold at the Public Sales of the United Company of Merchants of *England* trading to the *East Indies*, and in that Proportion for any greater or less Value — — — —	78	11	5			
DRUGS, unmanufactured, not otherwise particularly enumerated or described.—For every 100*l.* of the true and real Value thereof, according to the gross Price at which such Goods shall have been sold at the Public Sales of the United Company of Merchants of *England* trading to the *East Indies*, and in that Proportion for any greater or less Value — — — —	51	14	10			
JAPANNED or LACQUERED WARES.—For every 100*l.* of the true and real Value thereof, according to the gross Price at which such Goods shall have been sold at the Public Sales of the United Company of Merchants of *England* trading to the *East Indies*, and in that Proportion for any greater or less Value — — — —	119	10	9			
MUSLINS plain, Nanquin Cloth, Muslins or White Callicoes flowered or stitched.—For every 100*l.* of the true and real Value thereof, according to the gross Price at which such Goods shall have been sold at the Public Sales of the United Company of Merchants of *England* trading to the *East Indies*, and in that Proportion for any greater or less Value — — — —	19	13	9			
——— For every 100*l.* of the true and real Value of such of the said Goods which shall be exported from this Kingdom, having been printed, stained, painted, or dyed therein — — — — —				12	9	4

SUGAR.—

	Duty. £.	s.	d.	Drawback. £.	s.	d.
SUGAR.—For every 100*l.* of the true and real Value thereof, according to the gross Price at which such Goods shall have been sold at the Public Sales of the United Company of Merchants of *England* trading to the *East Indies*, and in that Proportion for any greater or less Value	37	16	3			
——— And besides, for every One hundred Weight, containing 112lb. — — — —	—	2	6			
MANUFACTURED GOODS, Wares, and Merchandize, not otherwise enumerated or described, not being exempt from Duty, and not being particularly charged with Duty when imported by the United Company of Merchants of *England* trading to the *East Indies*.—For every 100*l.* of the true and real Value thereof, according to the gross Price at which such Goods shall have been sold at the Public Sales of the said Company, and in that Proportion for any greater or less Value — —	71	4	6			
UNMANUFACTURED GOODS, Wares, and Merchandize, (except Tea), not otherwise enumerated or described, not being exempt from Duty, and not being particularly charged with Duty when imported by the United Company of Merchants of *England* trading to the *East Indies*.—For every 100*l.* of the true and real Value thereof, according to the gross Price at which such Goods shall have been sold at the Public Sales of the said Company, and in that Proportion for any greater or less Value — — — —	45	1	8			

39 GEORGII III. Cap. LXXXIX.

An Act for regulating the Manner in which the United Company of Merchants of England *trading to the* East Indies, *shall hire and take up Ships for their regular Service.* [12*th July* 1799.]

Preamble.

WHEREAS it is expedient that the Manner in which the Ships hired and taken up for the Service of the United Company of Merchants of *England* trading to the *East Indies*, should be regulated as herein-after mentioned; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, from and after the passing of this Act, the said United Company, or their Court of Directors, shall employ in their regular Service no Ships but such as shall be contracted for to serve the said Company, as they shall have Occasion to employ them in Trade and Warfare, or any other Service, for Six Voyages to and from *India* or *China*, or elsewhere within the Limits of the said United Company's exclusive Trade; and that, from Time to Time, whenever the said United Company shall have Occasion to cause any Ship or Ships to be built for their Service, the Court of Directors of the said United Company shall give Notice thereof by public Advertisement, and therein state the Burthen of the Ship or Ships wanted, the Dimensions or Scantlings of Timbers and Planks, Number of Guns, Manner of building, providing, furnishing, and storing such Ships, the Time to be allowed for building, (which shall be as long as reasonably may be), and other Particulars necessary to enable Persons to judge of the Expence thereof, and the proper Rate of Freight for such Ships respectively, or shall refer to and give Information of all such Particulars by their proper Officer: and the said Advertisement shall fix a Time (not less than Four Weeks

The *East India* Company shall employ in their Service no Ships but such as shall be contracted for, for Six Voyages, and shall advertise for Proposals and accept the lowest Terms.

Weeks from the Publication thereof) for receiving Proposals in Writing, sealed up, for building and freighting the same to the Company, such Proposals to specify the lowest Rates of Freight, or, if the Company shall require it, of Freight and Demorage in Time of Peace, required for such Ships for Six Voyages to and from *India* or *China*, or elsewhere within the Limits of the Company's exclusive Trade, to be employed in Trade and in Warfare, or otherwise, as shall be thought proper by the Company, if the said Ships respectively shall so long be fit for the Company's Service; and that all the Tenders or Proposals which shall be made in pursuance of such Notices, shall be put into a Box locked and sealed, which shall not be opened, except publicly in a Court of Directors, and the Contents of such Proposals respectively shall be entered in a Book, and the Proposals offering the lowest Peace Freight, or Peace Freight and Demorage, as the Case may be, shall be accepted, without Favour or Partiality; and in case more Ships than shall be wanted shall be tendered to be built at the same low Freight, then the Court of Directors shall determine which of the said Proposal or Proposals shall be accepted.

The Court of Directors may make Agreements with the Ship Owners for ascertaining additional Charges in Time of War, or Preparation for it.

II. And be it further enacted, That over and besides the Peace Freight and Demorage herein-before mentioned, the Court of Directors shall be at Liberty to make such Agreements with the Owners of the said Ships, either from Voyage to Voyage, or for the whole Term of the said Ships being engaged in the said Company's Service, for the ascertaining and Payment of the additional Charges arising to the said Owners in Time of War and Hostilities, or Preparations for War and Hostilities, as the said Court of Directors shall think right and just.

The Directors may enter into Agreements at permanent Rates of Freight and Demorage for Times of Peace, and additional Rates during the present War.

III. Provided always, and be it further enacted, That it shall be lawful for the said Court of Directors, if they shall see fit, to advertise for and receive Proposals, and enter into Agreements, for Ships to be built for the Service of the said Company for Six Voyages, at permanent Rates of Freight and Demorage for Time of Peace, and also at established Rates of additional Freight and Demorage to be paid during the present War, and that in that Case they shall be at Liberty, and are hereby required to accept such Proposals as, both Circumstances being considered, shall appear upon the Whole to be the lowest and most for the Advantage of the said United Company, without Favour or Partiality, and to enter into permanent Agreements accordingly; and in Case Two or more Proposals shall offer Terms equally advantageous, the said Court of Directors shall determine which of them shall be accepted.

Act not to oblige the Directors to accept unreasonable Proposals, although the lowest.

IV. Provided also, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to oblige the said Court of Directors to accept or enter into any Agreement, or any Proposal or Proposals which they, or the major Part of them, shall deem to be unreasonable, although such Proposal or Proposals may be the lowest and the most advantageous which may be offered.

If a regular Ship be lost or captured before the Completion of her Fifth Voyage, the Directors may agree with the Owners to build another upon certain Conditions.

V. Provided also, and be it further enacted, That in case any regular Ship which, since the Twentieth Day of *March* One thousand seven hundred and ninety-six, hath been engaged in the regular Service of the said United Company, or which now is, or hereafter shall be, engaged in the said Service for Six Voyages, hath been, or shall be, lost or captured before the Completion of her Fifth Voyage, if upon a full Investigation of the Circumstances of such Loss by the said Court of Directors, or some Committee thereof, the Commander and Owners of such Ship shall be fully acquitted from all Imputation of Neglect or Misconduct in respect of such Loss, in the Opinion of Eighteen Directors at least at a Court specially assembled for the Purpose of taking the said Commander's and the Owners' Conduct into Consideration; and provided always, that such Vote or Resolution of the Court of Directors shall be reported to a General Court of Proprietors, and shall after such Report be confirmed by way of Ballot by Three Parts in Four of the Proprietors assembled in General Court specially convened for that Purpose, whereof Eight Days previous Notice of the Time and Purpose of such Meeting shall be given in the *London Gazette*; and if such Commander shall be then living, or if he should have lost his Life, or have been absolutely disabled from further Service on the Occasion which produced the Loss of the said Ship, and the Chief Officer of the said Ship should have exerted himself honourably for her Defence and Safety, either in Fight or Distress at Sea, and shall be acquitted in Manner herein-before mentioned, from all Imputation of Neglect or Misconduct in respect of such Loss, and such Acquittal shall also be confirmed in Manner herein-before mentioned, then it shall and may be lawful for the Court of Directors to agree with the Owners of such Ship so lost to build another Ship for the Service of the said Company, to be employed by them at the same Freight and Demorage, and upon the same Terms for and on which such lost Ship was originally taken up, for the Number of Voyages which such lost Ship had not completed of the Number of Voyages originally

originally contracted for, so as the Owners shall agree that, at the Expiration of the remaining Voyage or Voyages, such new Ship shall continue in the Service of the said United Company until she shall have performed Six Voyages, which subsequent Voyages shall severally be performed at the lowest Rate of Freight and Demorage, either in Peace or War, which shall be payable in respect of the Ship of a similar Description as to the Equipment contracted for last, before the said Ship shall proceed upon each of the said subsequent Voyages: Provided always, That such Ship so rebuilt shall be commanded in the first Instance by the Captain of the former Ship, if he be able to serve, and failing of him by the said Chief Officer of the former Ship, if he be able to serve.

In Cases of Exigency, Ships may be hired for any particular Service.

VI. Provided also, and be it further enacted, That it shall and may be lawful for the Court of Directors of the said United Company, or their Servants Abroad, in Cases of unforeseen Exigency, to hire Ships for any particular Service; and in Cases of Ships so hired, publick Notice shall be given by Advertisement of the Ships or Tonnage wanted, and the Service required, Fourteen Days at least previous to the Time appointed for taking up the same; and the Proposals to be made in pursuance of such Advertisements shall be put into a Box locked and sealed, which shall not be opened, except publickly in a Court of Directors, or by the Governor and Council, where the Contract shall be made in any of the Company's Settlements in *India*, and then the lowest Tender or Tenders shall be accepted, without Favour or Partiality, if it shall be deemed reasonable, and if upon a due Examination and Survey the Ship or Ships tendered shall appear to be in all Respects fit for the Service required.

Act not to extend to Packets or Vessels employed in the Marine Establishment in *India*.

VII. Provided always, That nothing herein contained shall extend, or be construed to extend, in any ways to relate to Ships or Vessels hired or taken up or employed as Packets, or any of the Ships or Vessels belonging to or employed in the Marine War Establishment of the said United Company in the *East Indies*; but it shall and may be lawful for the said United Company, and their Court of Directors and Servants Abroad, to hire, take up, and employ Vessels for those Purposes only, in such Manner as they shall see fit.

Bye Laws of the Company, not repugnant to this Act, to remain in Force.

VIII. And be it further enacted, That all and every, and so much and such Part of the Bye Laws, Rules, and Regulations of the said United Company, and of their Court of Directors, now in force, and hereafter to be made, any way relating to the shipping Concerns of the said Company, and to the Commanders and Officers in their Service, which are not, or shall not be inconsistent with or repugnant to the Provisions hereby enacted, shall remain and be of the same Validity, Force, and Effect, and shall be observed in like Manner, to all Intents and Purposes, as the same Bye Laws, Rules, and Regulations, or such Parts thereof as aforesaid, would have been in force, and ought to have been observed, if this Act had not been made; or to restrain the said Company from repealing or making any Bye Laws, so as they shall not be inconsistent with the Provisions herein contained; this Act or any Thing herein contained to the contrary thereof in anywise notwithstanding.

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39 GEORGII III. Cap. CIX.

An Act for better Recruiting the Forces of the East India *Company.*

[*12th July*, 1799.]

Preamble.

WHEREAS the United Company of Merchants of *England* trading to the *East Indies* are by Law entitled to maintain and keep up, and at their own Costs and Charges do maintain and keep up, a Military Force in their Settlements Abroad, for the Defence and Protection of the Territorial Acquisitions and Revenues of which they are in Possession, and for the Defence and Protection of their Trade; and by an Act of Parliament made in the Twenty-first Year of the Reign of His present Majesty, intituled, *An Act for establishing an Agreement with the United Company of Merchants of* England *trading to the* East Indies, *for the Payment of the Sum of Four hundred thousand Pounds, for the Use of the Publick, in full Discharge and Satisfaction of all Claims and Demands of the Publick, from the Time the Bond Debt of the said Company was reduced to One million*

21 Geo. III. Cap. 65.

million five hundred thousand Pounds, until the First Day of March *One thousand seven hundred and eighty-one, in respect of the Territorial Acquisitions and Revenues lately obtained in the* East Indies; *and also for securing to the Publick in respect thereof, for a Term therein mentioned, a certain Part or Proportion of the clear Revenues and Profits of the said Company; and for granting to the said Company, for a further Term, the sole and exclusive Trade to and from the* East Indies, *and Limits therein mentioned; and for establishing certain Regulations for the better Management of the Affairs of the said Company, as well in* India *as in* Europe, *and the recruiting the Military Forces of the said Company*; certain Regulations are established for the said Company's raising Recruits in *Great Britain*, but no Provision is made, by virtue of which such Recruits can be trained, arrayed, exercised, or disciplined, during their Abode in this Kingdom, or whereby they can be subjected to Military Law previous to their Embarkation for, and during their Passage to the Places where the said United Company are entitled to maintain and keep such Militia Force: And whereas it is expedient that His Majesty's Officers should be authorized in certain Cases to enlist Recruits for Service, either in His Majesty's Troops or in the Forces of the said United Company, as His Majesty shall think fit to direct; and that all Recruits so raised and transferred over to, or enlisted by Officers in the Service of the said United Company, should be trained, arrayed, exercised, and disciplined in the Use of Arms, previous to their Departure for Places Abroad; and that they should be subjected to Military Law during their Abode in this Kingdom, and during their Passage to, and before their Arrival at such Places: May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for His Majesty, His Heirs and Successors, to order and cause such of His Officers as He shall see fit, to levy, enlist, and raise such Number of Men as from Time to Time, His Majesty shall think fit, for the special Purpose of serving in the *East Indies*, either in His Majesty's Troops, or in the Forces of the said United Company; and that the Recruits to be raised for such special Purpose, instead of taking the Oath of Fidelity appointed to be taken by the Rules and Articles for the better Government of all His Majesty's Forces, shall take the following Oath; (that is to say),

His Majesty may order Officers to levy Men to serve in the *East Indies*, in His Majesty's Troops or the Company's Forces, who shall take the following

Oath.

'I *A. B.* being enlisted to serve either in His Majesty's Troops or in the Forces of the *East India* Company, according as His Majesty shall think fit, do swear, That I will bear true Allegiance to our Sovereign Lord King *George*, and that I will, as in my Duty bound, defend Him in His Person, Crown, and Dignity, against all His Enemies; and that so long as I shall remain in His Majesty's Service, I will duly observe and obey His Majesty's Orders, and the Orders of the Generals and Officers set over me by His Majesty; and that if His Majesty shall please to appoint me to serve in the Forces of the United Company of Merchants of *England* trading to the *East Indies*, then I swear that I will also be true to the said United Company, and will duly observe and obey all their Orders, and the Orders of their Generals and Officers, who shall be lawfully set over me.'

Which Justices are to administer instead of the Oath prescribed by the Articles of War.

II. And be it further enacted, That on such Recruits being carried before a Justice of the Peace, in pursuance of an Act, passed in the present Session of Parliament, intituled, *An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters*, or in pursuance of any Act hereafter to be passed for the same Purposes, such Justice shall tender and administer such Oath as is herein-before mentioned, instead of the Oath prescribed by the said Articles of War; and the same (if taken by such Recruits) shall be so expressed in the Certificate to be given by such Justice, in the Form required by the said Act.

His Majesty on Petition of the Court of Directors may cause Recruits to be transferred to the Service of the Company.

III. And be it further enacted, That it shall and may be lawful to and for His Majesty, His Heirs and Successors, upon the Petition of the Court of Directors of the said United Company, to cause so many Recruits or Soldiers, who shall have been raised by His Majesty's Officers for the special Purpose herein-before mentioned, as the said Court of Directors shall petition for, and as His Majesty, His Heirs or Successors, shall see fit to grant, to be transferred over to the Service of the said United Company, which Transfer shall be made by such Recruits or Soldiers being delivered over by such Officer in His Majesty's Service, who shall have the Command of them, at such Place as His Majesty shall think proper to appoint, to such Person or Persons as the said Court of Directors shall appoint to receive them.

IV. Provided

IV. Provided always, and be it enacted, That the said United Company shall not be obliged to receive into their Service any Recruit or Soldier who shall be an Invalid, or who shall have any bodily Infirmity.

Company not obliged to receive Invalids.

V. And be it further enacted, That the said United Company shall pay unto such Person or Persons, for the Use of His Majesty, as shall be appointed for that Purpose in Writing by the Commissioners of His Majesty's Treasury, or any Three or more of them, or by the Lord High Treasurer for the Time being, such Sum and Sums of Money as from Time to Time shall be agreed upon between one of His Majesty's principal Secretaries of State on Behalf of His Majesty, and the said Court of Directors, to re-imburse the Expence of raising such Recruits and Soldiers as shall be transferred into the Service of the said United Company in Manner herein-before mentioned; and that, over and above such Sum, the said United Company shall in like Manner pay to such Person or Persons as aforesaid, the Costs of the Subsistence of each Recruit, from the Time of his Enlistment to the Time of his being delivered over to the said United Company, as herein-before mentioned.

Company to pay such Sum as shall be agreed upon for such Recruits, and their Subsistence, from Enlistment.

VI. And be it further enacted, That the said United Company shall and may deposit, keep, maintain, pay, train, and exercise in the Use of Arms, such Men as they may from Time to Time enlist and engage in their Service, under and by virtue of the Authority of the said Act of the Twenty-first Year of His Majesty's Reign, and such Men as shall be transferred over to their Service in Manner herein-mentioned, in any of His Majesty's Garrisons, or at such other Place or Places within *Great Britain*, or the Islands of *Guernsey* or *Jersey*, as shall be approved of by His Majesty; and that the said United Company, or their Court of Directors, may, from the Men so enlisted or transferred as aforesaid, make Drafts of Non-commissioned Officers and Soldiers, to be from Time so Time sent Abroad in the said United Company's Service, as they shall think proper and necessary.

Company may train Men enlisted under recited Act, and transferred under this, in *Great Britain*, *Guernsey*, or *Jersey*, and may make Drafts to be sent Abroad.

VII. And be it further enacted, That for the Purpose of raising, receiving, keeping, training, and exercising the Men so enlisted by Licence from His Majesty as aforesaid, it shall and may be lawful for the Court of Directors of the said United Company, with the Approbation of His Majesty, signified under the Hand Writing of One of His Majesty's Principal Secretaries of State, to appoint, from and amongst such Officers in the Service of the said United Company, as may be in *England*, on Furlough or by Leave of Absence, from their Duty in *India*, or who have retired from the Service of the said Company, and shall hold and have Commissions from His Majesty as well as from the said United Company, One Commanding Officer, and such other Commissioned Officers, of such Ranks and with such Commissions as shall be necessary for the training, exercising, and disciplining such Men so enlisted or transferred as aforesaid, until they shall be sent Abroad; and that it shall also be lawful for the said Court of Directors to appoint, from the Number of Men so enlisted or transferred as aforesaid, such Number of Sergeants, Corporals, Drummers, and Fifers, as shall be necessary for the same Purpose.

Court of Directors, with the Approbation of His Majesty, may appoint Officers holding Commissions from His Majesty and the Company, for disciplining the Men, out of whom they may appoint Serjeants, &c.

VIII. Provided always, and be it enacted, That it shall not be lawful for the said United Company to enlist or have in Pay at any one Time, or to train or discipline at any one Time, by virtue of this Act, any greater Number of Non-commissioned Officers and Private Men than Two thousand, nor shall it be lawful for the Court of Directors of the said Company to appoint any greater Number of Commissioned Officers than the Number of Men to be so raised and disciplined shall require; nor shall the Officer so appointed to command, or any other Commissioned Officer to be appointed as aforesaid, be continued in the said Appointment, or have any Power or Authority to command, train, or discipline the said Men so enlisted, longer than he shall continue to hold a Commission from His Majesty, His Heirs or Successors; and his or their said Appointment, Powers, Authorities, and Commands, shall cease and determine, and become utterly void, from and immediately after the said Commission shall be revoked, determined, or otherwise made void by His Majesty, His Heirs or Successors: Provided also, That, from and after the passing of this Act, and until the 25th Day of *March* One thousand eight hundred, no greater Number than Three thousand of Men enlisted for the special Purpose aforesaid, and not transferred by His Majesty to the Service of the said Company, shall, at any one Time, be maintained by His Majesty within this Realm; and that, from and after the said Day, no greater Number of such Men shall be so maintained than shall be specially included within the Provisions of such Act or Acts of Parliament as may, from Time to Time, be made and be in force for the Punishment of Mutiny and Desertion, or for the Discipline and Government of His Majesty's Forces in *Great Britain*.

Company not to enlist above a certain Number of Men, nor appoint more than the necessary Number of Commissioned Officers.

Officers not to have any Power longer than they hold Commissions from His Majesty.

No more than a certain Number of Men enlisted, and not transferred, shall be maintained within the Realm.

IX. Provided

Company, with the Approbation of His Majesty, may appoint Quarter Masters, &c.

IX. Provided also, and be it further enacted, That it shall and may be lawful for the said Company, with His Majesty's Approbation so signified as aforesaid, to appoint such Quarter Masters, Pay Masters, and other Persons, as may be necessary for disciplining and training, attending, and otherwise taking Care of, the said Men so enlisted and transferred, over and above the Number of Commissioned Officers herein-before mentioned, whether the said Persons shall be in their Service or not.

Rates of Pay to be allowed to the Commissioned, Non-commissioned, and Staff Officers.

X. Provided also, and be it further enacted, That it shall not be lawful for the said United Company to pay or allow any greater Pay, or other Sums, to the Commissioned and Non-commissioned and Staff Officers to be appointed to raise, receive, train, exercise, and discipline, the said Men, than after the Rates following; that is to say, not more than Ten Shillings *per* Day to each Captain, not more than Five Shillings *per* Day to each Subaltern Officer, over and above the Pay, according to their Rank, which they shall be entitled to during their being in this Country on Furlough or Leave of Absence, or retired from their Service; nor more than Five Shillings *per* Day to each Quarter Master, One hundred and Twenty Pounds *per Annum* to each Paymaster, Two Shillings *per* Day to each Serjeant, One Shilling and Sixpence *per* Day to each Corporal, Five Shillings *per* Day to each Surgeon, and One hundred Pounds *per Annum* to One Chaplain; such last mentioned Sums to be the full Allowance to which in any Case such Officers shall be entitled (save and except the Regimental Pay which such Officers may be entitled to, according to their respective Ranks, and save and except such Barrack Allowances as are usually to be given to Officers in His Majesty's Service when quartered in Barracks).

Pay to be in full of all Emoluments; and Clothing, &c. to be provided as the Directors shall think best.

XI. And be it further enacted, That the said Pay, so to be made to the said Officers respectively as aforesaid, shall be in full Satisfaction of all Emoluments whatsoever; and that the Clothing for the said Men, and all other Things whatsoever, necessary to be provided for them, or for the Place in which they shall be deposited and kept, shall be provided by the said United Company, upon the best Terms, and in such Manner as shall appear to the Court of Directors of the said Company to be best suited to that Purpose.

Officers and Men to be subject to the Commandants of Garrisons or Barracks, and to partake in the Duties.

XII. And be it further enacted, That in case the said Men, so to be enlisted into, or transferred over to the Service of the said United Company, shall be deposited and kept at any of his Majesty's Garrisons or Barracks, all such Recruits and Soldiers, and the Commissioned and Non-commissioned Officers having the Command of, or being employed in the training, exercising, and arraying such Recruits or Soldiers, shall at all Times be subject to the Command and Orders of the Commandant of such Garrison or Barracks, or in his Absence to the Senior Officer in His Majesty's Service, or the Officer for the Time being commanding in such Garrison or Barracks; and that the Commissioned and Non-commissioned Officers, to be appointed by the said United Company to the Command of, or for the training, exercising, or arraying such Recruits as aforesaid, shall at all Times partake in and perform the Duties of any of His Majesty's Garrisons or Barracks in which they may be stationed.

Orders of the Company to be given through such Commandants.

XIII. And be it further enacted, That all Orders which shall be given by the said United Company, or their Court of Directors, to their Officers so stationed at any of His Majesty's Garrisons or Barracks, shall be given and passed through the Commandant or Senior Officer commanding at such Garrisons or Barracks.

Deserters may be apprehended and confined as from His Majesty's Service.

XIV. And be it further enacted, That if any Person who shall be enlisted and engaged by the said United Company, under the Authority of the said Act of the Twenty-first Year of His Majesty's Reign, or who shall be transferred over to the Service of the said United Company as herein-mentioned, shall afterwards desert, or be found wandering, or otherwise illegally absenting himself from the Service of the said United Company, it shall and may be lawful for any Constable, Headborough, or Tythingman of the Town or Place where any such Person who may be reasonably suspected to be a Deserter shall be found, to apprehend or cause him to be apprehended in the same Manner as if he were a Deserter from His Majesty's Service; and every Constable, Headborough, Tythingman, Justice of the Peace, or Magistrate, shall have the same Power and Authority, and proceed in the same Manner as he or they would have had, or as he or they would have proceeded in, if the Person had been a Deserter from His Majesty's Service; and every Keeper of any Gaol, House of Correction, or Prison, to which such Person shall be committed, shall be entitled to receive the full Subsistence of such Deserter, during the Time he shall remain in their Custody, for the Maintenance of such Deserter, and shall receive and confine him or them in the same Manner as if he or they had been a Deserter from His Majesty's Service.

XV. Provided

Persons apprehending Deserters to be entitled to such Reward only as the Company may give.

XV. Provided always, That nothing in this Act contained shall extend, or be construed to extend, to authorize any Justice to pay or cause to be paid any Reward to any Person or Persons, who shall apprehend or cause to be apprehended any Person or Persons who shall desert from the Service of the *East India* Company, nor shall the Person or Persons apprehending the same be entitled to any other Reward than the *East India* Company may voluntarily give for such Apprehension.

Officers and Soldiers, until Embarkation, to be subject to the Mutiny Laws, and afterwards to the Provisions of 27 Geo. II. Cap. 9.

XVI. And be it further enacted, That all such Officers and Soldiers as shall be raised and enlisted by virtue of this Act shall, at all Times and until their Embarkation, be subject to all the Provisions and Regulations of the said Act, made in the present Session of Parliament, intituled, *An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters*; during the Continuance of the same Act in *Great Britain*, and after the Expiration thereof to such other Act or Acts of Parliament, Provisions, and Regulations, as shall from Time to Time be made and be in Force for the Discipline and Government of His Majesty's Forces in *Great Britain*; and that, from and after their Embarkation to go Abroad to such Places whereto they shall be sent in the Service of the said United Company, all such Officers and Soldiers shall be, and hereby are adjudged to be in the actual Service of the *East India* Company within the Meaning of an Act, passed in the Twenty-seventh Year of the Reign of His late Majesty King *George* the Second, intituled, *An Act for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the United Company of Merchants of* England *trading to the* East Indies, *and for the Punishment of Offences committed in the* East Indies, *or at the Island of* Saint Helena; and shall, during their Passage, and during their Continuance Abroad in the Service of the said United Company, be subject to all the Provisions and Regulations of the said Act, and to all such Provisions and Regulations as Officers and Soldiers in the Pay of the said United Company shall from Time to Time be subject to at the Settlement or Place to which such Officers and Soldiers shall be sent.

Act not to authorize billeting the Men upon any Person without his Consent, &c.

XVII. Provided always, That nothing in this Act contained shall extend, or be construed to extend, to enable any Officer, Civil or Military, or any other Person or Persons whatsoever, to place, quarter, or billet, any Soldier or Soldiers enlisted by or transferred to the said United Company, upon any Subject or Inhabitant of this Realm, of any Degree, Quality, or Profession whatsoever, without his Consent, or to demand from, or take from any Person or Persons, except by their own Consent, any such Provisions or Allowances as are provided and allowed to Soldiers and Officers in His Majesty's Service, by those upon whom they are quartered or billetted, or to compel or call upon any Person or Persons to provide Carriages for them, their Arms, Cloaths, and Accoutrements, when upon March, otherwise than by their own free Will and Consent.

His Majesty may grant Commissions for holding General Courts Martial.

XVIII. And whereas for more effectually suppressing Mutiny and Desertion, and for the Punishment of other Offences committed by Officers and Soldiers in the Service of the said United Company, during the Time of their being trained and disciplined by virtue of this Act, or by any of the Officers or Non-commissioned Officers employed on that Service, it may be necessary that His Majesty should be enabled to convene Courts Martial, or to authorize the same to be convened, consisting either in the Whole or in Part of Officers in the Service of the *East India* Company who hold Commissions from His Majesty: Be it enacted, That it shall and may be lawful for His Majesty from Time to Time to grant a Commission for the holding of General Courts Martial for the Trial of Offences committed by Officers or Soldiers in the Service of the said United Company, during the Time of their being so employed, and trained and exercised under the Authority of this Act, which Courts Martial may either consist of Officers appointed to train and discipline the said Men, or of such other Officers in the Service of the *East India* Company, holding Commissions from His Majesty, as may be in *Great Britain* upon Furlough, or by Leave of Absence, or of Officers in His Majesty's Service in *Great Britain*, or of such Numbers and Proportions of each, as to His Majesty shall seem meet; and such Courts Martial shall in all other Respects be convened, and have the same Powers and Authorities, and their Sentences shall be carried into Execution, as if they were Courts Martial respecting His Majesty's Forces.

Regimental Courts Martial may be convened.

XIX. And be it further enacted, That Regimental Courts Martial, or Courts Martial to be composed of Officers of different Corps, with the same Powers as Regimental Courts Martial, may be convened for enquiring into such Disputes or Criminal Matters as may come before them, touching any of the Non-commissioned Officers or Soldiers in the Service of the said United Company during the Time of their being so employed and trained and exercised as aforesaid, and for

awarding corporal or other Punishments for small Offences; and such Courts Martial shall be constituted and proceeded, and their Sentences shall be carried into Execution, in like Manner as if they were Courts Martial respecting His Majesty's Forces.

Offences committed after Embarkation, may be tried on Arrival at Place of Destination.

XX. And forasmuch as it may happen that Offences may be committed by the said Officers and Men after their Embarkation, and before their Arrival at their Places of Destination Abroad, which nevertheless cannot be tried and punished during their Passage, in such Manner as such Offences ought to be tried and punished; be it therefore enacted, That in every such Case, every such Officer or Soldier shall and may, after his Arrival at his Place of Destination Abroad, be tried and punished for every Offence committed after his Embarkation, and before his Arrival, in the same Manner as he would have been liable to be tried and punished if such Offence had been committed in any Place where the Offender could have been tried by any Court Martial held under the Authority of the said Act, passed in the Twenty-seventh Year of His late Majesty's Reign.

Court of Directors to transmit a Report of the Number of Men levied, &c. to the Secretary of State and the Commander in Chief.

XXI. And be it further enacted, That the Court of Directors of the said United Company shall, and they are hereby required and directed, Twice in every Year, to make out a Report of the Number of Men levied and subsisted by virtue of this Act, and of all the Orders issued, and every other Matter or Thing done or directed to be done by them in the Execution of this Act, and to transmit One Copy of the same to One of His Majesty's Principal Secretaries of State, and another to the Commander in Chief of His Majesty's Forces.

Public Act.

XXII. And be it further enacted, That this Act shall be deemed to be a Public Act, and shall be taken Notice of as such, by all Judges and Justices whomsoever, without specially pleading the same.

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39 & 40 GEORGII III. Cap. XXXVI.

An Act to enable Courts of Equity to compel a Transfer of Stock in Suits, without making the Governor and Company of the Bank of England, *or the United Company of Merchants of* England *trading to the* East Indies, *or the Governor and Company of Merchants of* Great Britain *trading to the* South Seas *or other Parts of* America, *Party thereto.* [1*st May* 1800.]

Preamble.

WHEREAS great Expence arises in Suits in Courts of Equity, from the Practice of making the Governor and Company of the Bank of *England* Parties thereto, for the mere Purpose of compelling or authorizing the said Corporation to suffer any Transfer of Stock standing in their Books to be made which Justice may require: Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for any of His Majesty's Courts of Equity, before or upon hearing any Cause depending therein, to order the Governor and Company of the Bank of *England* to suffer a Transfer of Stock standing in their Books to be made, or to pay any accrued or accruing Dividends thereon, belonging to or standing in the Names of any Party to a Suit, as such Courts may deem just; or to issue an Injunction to restrain them from suffering any Transfer of such Stock, or from paying any Dividends or Interest accruing or accrued thereon, although such Governor and Company are not Parties to the Suit in which such Decree or Order shall be made, such Courts being satisfied by the Certificate of the Accountant of the said Corporation, duly signed by him as herein-after is directed, that the Stock required to be transferred is standing in their Books in the Name of the Persons or Person required to transfer the same, or of the Persons or Person to whom they or he are or is the legal Representative; and that after due Service of a short Order upon the said Governor and Company, or their proper Officer, which shall contain no Recital of their Pleadings or other Matter than the Title of the Cause, and the ordering Part of such Decree or Order which respects the said Governor and Company, and for which the Sum of Eighteen Shillings and no more,

Any Court of Equity may order the Bank of *England* to suffer a Transfer of Stock to be made, or to pay Dividends, belonging to, or standing in the Names of any Party to a Suit, or issue an Injunction to restrain such Transfer or Payment, although the Bank be not a Party, &c.

more, shall be paid, like Process shall issue to enforce such Order or Decree as to enforce them against any Party to a Suit depending in such Court.

On Request of the Clerk of the Court and the Solicitor of the Party, the Bank shall deliver a Certificate stating the Amount of such Stock or Dividends, &c. for which the Fees herein specified shall be paid.

II. And for the better enabling any Party to a Suit to obtain and produce such Certificate in Court, be it enacted, That upon Request in Writing signed by the Clerk in Court (or other Officer answering thereto) and the Solicitor concerned in the Cause for the Party applying, which shall state the Cause, and for what Parties they are concerned, the Governor and Company of the Bank of *England* shall deliver, or cause to be delivered, to the said Clerk in Court, or other Officer and Solicitor, or one of them, a Certificate signed by their Accountant, stating the Amount of such Stock or Dividends, and in whose Names or Name such Stock is standing in their Books, and, if it be particularly required (but not otherwise) when such Stock or any Part thereof was transferred, and by whom, for the signing of which Request in Writing, there shall be paid to such Clerk in Court or other Officer, a Fee of Six Shillings and Eight-pence, and no more, and to such Solicitor, for the drawing, copying, and delivering at the Bank, a Fee of Thirteen Shillings and Four-pence, and no more; and to the Officer making out and delivering such Certificate, a Fee of Two Shillings and Sixpence, and no more: Provided nevertheless, That nothing herein contained shall extend to any Case where any further Discovery is wanted than what is herein-before expressly mentioned, nor to any Case where the said Governor and Company claim any Interest in or Lien upon the said Fund, but that in such Cases it shall be necessary to make them a Party to such Suit as if this Act had never been made; and that if any Special Matter shall arise, which in the Opinion of the said Governor and Company, shall affect their Interests, or which might be objected against suffering such Transfer of Stock or Payment of Dividends, it shall be lawful for them to state such Matter to the Court by Motion or Petition in such Suit, and that Execution of Process to compel such Transfer or Payment shall be suspended until final Order shall be made thereon.

Act not to extend to any further Discovery than herein mentioned; nor to any Case where the Bank claim an Interest in the Fund, &c.

In Suits depending where the Bank have put in their Answer, not claiming any Interest in the Stock required to be transferred, Proceedings shall be stopped and the Bill dismissed, &c.

III. And be it further enacted, That in all Suits now depending, in which the said Governor and Company may have put in their Answer, not claiming any Interest in or Lien upon the Stock required to be transferred, no further Proceeding shall be had against them as a Party to such Suits, but that the Bill shall stand dismissed as against them in such Suits; and that in all such Suits an Order may be made, upon Motion or Petition as of course, for the taxing of their Costs already incurred, and for immediate Payment thereof by the Plaintiffs in any such Suits, or any of them, subject however to any further Order as between the other Parties to such Suits, respecting the final Payment of such Costs, as by the Court in which any Suit may be depending shall be deemed just.

The Provisions aforesaid shall extend to the *East India* Company and the *South Sea* Company where they have Stock standing in their Books, which may become the Subject of a Suit in Equity.

IV. And be it further enacted, That all the several Regulations and Provisions herein-before enacted, shall extend *mutatis mutandis* to every Case where the United Company of Merchants of *England* trading to the *East Indies*, or the Governor and Company of Merchants of *Great Britain* trading to the *South Seas* or other Parts of *America*, have any Stock standing in the Books of such respective Corporations, which may now be or hereafter may become the Subject of any Suit in Equity or incidental thereto, saying to the said Corporations respectively the like Right of being made a Party, or applying by Motion or Petition, in such Suits as is before reserved or given to the Governor and Company of the Bank of *England*.

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39 & 40 GEORGII III. Cap. XXXVIII.

An Act for repealing so much of an Act, made in the last Session of Parliament, intituled, An Act for permitting certain Goods imported from the *East Indies* to be warehoused; and for repealing the Duties in lieu thereof, *as relates to Saltpetre.* [16*th May* 1800.]

Preamble. 39 *Geo.* III, Cap. 59.

WHEREAS by an Act, made in the last Session of Parliament, intituled, *An Act for permitting certain Goods imported from the* East Indies *to be warehoused; and for repealing the Duties*

ties now payable thereon, and granting other Duties in lieu thereof, Provision is made for warehousing any Goods, Wares, or Merchandizes, except Tea, Cotton, Wool, Nutmegs, Mace, Cloves, and Cinnamon, and Bullion, Diamonds, and other precious Stones, upon Importation and Landing thereof, by the United Company of Merchants of *England* trading to the *East Indies*, in Manner therein mentioned, and upon Payment of the new and additional Duties of Customs in the said Act mentioned: And whereas it is expedient that Saltpetre should be exempted from the Operation of the said recited Act, and from the Duty thereby imposed thereon; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act, so far as it relates to Saltpetre, shall be, and the same is hereby repealed; and that the Duty thereby imposed on Saltpetre shall cease and determine; and that, from and after the passing of this Act, all the Saltpetre which shall remain, or be unsold, in the Warehouses of the said United Company, and all Saltpetre hereafter imported by the said United Company, shall be subject and liable to the same Rules, Regulations, and Provisions, and charged and chargeable with the same Duties as were in force immediately before the passing of the said recited Act; the said Act, or any Thing therein contained, to the contrary thereof in anywise notwithstanding.

Recited Act so far as respects Saltpetre repealed; and such Saltpetre as remain in the *East India* Company's Warehouses, and all hereafter imported, shall be charged with the Duties payable previous to recited Act.

II. And be it further enacted, That immediately after the passing of this Act, the Duty or Duties which, before the passing of the said recited Act would have been payable on any Saltpetre which shall remain, or be unsold, in the Warehouses of the said United Company, on the Importation, shall be paid or secured by the said United Company, in like Manner as if the same Saltpetre had been then imported by them.

Duty on Saltpetre in Warehouses to be paid or secured as if then imported.

39 & 40 GEORGII III. Cap. LIX.

An Act to remove Doubts arising from the Construction of an Act, made in the Thirty-ninth Year of His present Majesty's Reign, intituled, An Act for permitting certain Goods imported from the *East Indies* to be warehoused, and for repealing the Duties now payable thereon, and granting other Duties in lieu thereof.

[30*th June*, 1800.]

Preamble. 39 *Geo.* III. Cap. 59.

WHEREAS by an Act, made in the Thirty-ninth Year of the Reign of His present Majesty, intituled, *An Act for permitting certain Goods imported from the* East Indies *to be warehoused, and for repealing the Duties now payable thereon, and granting other Duties in lieu thereof*; some of the Duties for or in respect of certain Goods imported from the *East Indies*, by the United Company of Merchants trading to the *East Indies*, are repealed, and certain new and additional Duties of Customs are imposed for and in respect of such Goods: And whereas Doubts may arise whether the Duties of Excise by the Laws in force immediately before the passing of the said Act, imposed for or in respect of Spirits, Wine, Glass, Cocoa Nuts, and Coffee, respectively imported by the said United Company from the *East Indies*, are not by the said recited Act repealed; be it declared and enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, neither the said Act of the Thirty-ninth Year of His Majesty's Reign, nor any Clause, Matter, or Thing therein contained, was intended to extend, nor did nor doth extend, nor shall be deemed or construed to extend, or to have extended, to repeal or alter any or either of the Duties of Excise which were by any or either of the Laws in force immediately before the passing of the said Act of the Thirty-ninth Year of His Majesty's Reign, imposed for or in respect of Spirits, Wine, Glass, Cocoa Nuts, and Coffee respectively, or any or either of them, imported by the said United Company from the *East Indies*; and that all and singular the Duties of Excise which were imposed by any or either of the Laws in force immediately before the passing of the said Act of the Thirty-ninth Year of His Majesty's Reign, for or in respect of Spirits, Wine, Glass, Cocoa Nuts, and Coffee respectively, or any or either of them, imported by the said United Company from the *East Indies* since

The Duties of Excise on Spirits, Wine, Glass, Cocoa Nuts, and Coffee, imported by the *East India* Company, not repealed or altered by the recited Act.

since the passing of the said Act of the Thirty-ninth Year of His Majesty's Reign, remained and continued, and still remain and continue in force, as the same respectively were immediately before the making of the said last-mentioned Act; any Thing in the said Act contained to the contrary in anywise notwithstanding.

39 & 40 GEORGII III. Cap. LXXIX.

An Act for establishing further Regulations for the Government of the British *Territories in* India, *and the better Administration of Justice within the same.*

[28*th July*, 1800.]

Preamble.

WHEREAS the Territorial Possessions of the United Company of Merchants of *England* trading to the *East Indies*, in the Peninsula of *India*, have become so much extended as to require further Regulations to be made for the due Government of the same: And whereas by an Act of Parliament, made and passed in the Thirty-third Year of the Reign of His present Majesty, intituled, *An Act for continuing in the* East India *Company, for a further Term, the Possession of the* British *Territories in* India, *together with their exclusive Trade, under certain Limitations; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same; for appropriating to certain Uses the Revenues and Profits of the said Company; and for making Provision for the good Order and Government of the Towns of* Calcutta, Madras, *and* Bombay; it is enacted, That the whole Civil and Military Government of the Presidency of *Fort Saint George*, on the Coast of *Coromandel*, and the Ordering, Management, and Government, of all the Territorial Acquisitions and Revenues on the said Coast, and also so much and such Parts of the Territories and Possessions on the Coast of *Orissa*, with the Revenues of the same, as had been and then were under the Administration of the Government or Presidency of *Fort Saint George*, should be and were thereby vested in a Governor and Three Counsellors of and for the said Presidency of *Fort Saint George*, subject to such Rules, Regulations, and Restrictions, as were therein mentioned; and that the whole Civil and Military Government of the Presidency and Island of *Bombay*, on the Coast of *Malabar*, and the Ordering, Management, and Government, of all the Territorial Acquisitions and Revenues on the said Coast of *Malabar*, should be and were thereby vested in a Governor and Three Counsellors of and for the said Presidency and Island of *Bombay*, subject to the Provision therein mentioned: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, it shall and may be lawful for the Court of Directors of the said Company for the Time being, to declare and appoint what Part or Parts of the said Territorial Acquisitions, or of any other now subject to the Government of the said Presidency of *Fort Saint George*, or the said Presidency of *Bombay*, together with the Revenues arising therefrom, and the Establishment of Civil Servants connected therewith respectively, shall from thenceforth hereafter be subject to the Government of either and which of the said Presidencies, or of the Presidency of *Fort William* in *Bengal*, and from Time to Time, as Occasion may require, to revoke and alter in the Whole or in Part such Appointment, and to make such new Distribution of the same as to them shall seem fit and expedient, subject nevertheless, in all Cases, to the Superintendence, Direction, and Controul of the Commissioners for the Affairs of *India*, in like Manner as any Acts or Orders of the said Court of Directors are now by Law subject; and all such Territorial Acquisitions, and the Revenues arising therefrom, and the Establishment of Civil Servants connected therewith, shall, from and after the Time, and subject as to such Time to the Conditions and Limitations to be by the said Court of Directors limited and appointed for such Purposes respectively, be to all Intents and Purposes whatsoever annexed to and made subject to such Presidency, and to the Court or Courts of Judicature established or to be established therein respectively.

33 *Geo.* III. Cap. 52.

The Court of Directors may appoint what Parts of the Territorial Acquisitions, Revenues, &c. shall be subject to either, and which of their Presidencies, subject to the Controul of the Commissioners for the Affairs of *India*.

Letters Patent of *Geo.* II, dated the 8th of *Jan.* in the 21st of His Reign.

II. And whereas His late Majesty King *George* the Second did, by His Letters Patent, bearing Date at *Westminster* the Eighth Day of *January* in the Twenty-first Year of His Reign, grant unto the said United Company of Merchants of *England* trading to the *East Indies*, His Royal Charter, thereby amongst other Things constituting and establishing Courts of Civil, Criminal, and Ecclesiastical Jurisdiction at the United Company's respective Settlements at *Madraspatnam*, *Bombay*, or the Island of *Bombay*, and *Fort William* in *Bengal*: And whereas the said Charter, in so far as it respects the Administration of Justice at *Madras*, has been altered and changed, by virtue of an Act passed in the Thirty-seventh Year of His present Majesty, intituled, *An Act for the better Administration of Justice at* Calcutta, Madras, *and* Bombay; *and for preventing* British *Subjects from being concerned in Loans to the Native Princes in* India: And whereas the said Charter so far as it respects the Administration of Justice at *Fort William* in *Bengal*, has also been altered and changed, by virtue of an Act passed in the Thirteenth Year of His present Majesty, intituled, *An Act for establishing certain Regulations for the better Management of the Affairs of the* East India *Company, as well in* India *as in* Europe, and by divers subsequent Statutes: And whereas it may be expedient, for the better Administration of Justice in the said Settlement of *Madras*, that a Supreme Court of Judicature should be established at *Madras*, in the same Form, and with the same Powers and Authorities, as that now subsisting, by virtue of the several Acts before-mentioned, at *Fort William* in *Bengal*: Be it therefore enacted;

37 *Geo.* III, Cap. 142, recited.

13 *Geo.* III, Cap. 63.

His Majesty may establish a Supreme Court of Judicature at *Madras*, to consist of the like Number of Persons, &c. as the Supreme Court at *Fort William*.

That it shall and may be lawful for His Majesty, His Heirs and Successors, by Charter or Letters Patent under the Great Seal of *Great Britain*, to erect and establish a Supreme Court of Judicature at *Madras*, aforesaid, to consist of such and the like Number of Persons, to be named from Time to Time by His Majesty, His Heirs and Successors, with full Power to exercise such Civil, Criminal, Admiralty, and Ecclesiastical Jurisdictions, both as to Natives and *British* Subjects, and to be invested with such Power and Authorities, Privileges and Immunities, for the better Administration of the same, and subject to the same Limitations, Restrictions, and Controul within the said *Fort Saint George*, and Town of *Madras*, and the Limits thereof, and the Factories subordinate thereto, and within the Territories which now are or hereafter may be subject to or dependant upon the said Government of *Madras*, as the said Supreme Court of Judicature at *Fort William* in *Bengal*, by virtue of any Law now in Force and unrepealed, or by this present Act, doth consist of, is invested with, or subject to, within the said *Fort William*, or the Kingdoms or Provinces of *Bengal*, *Bahar*, and *Orissa*.

How far the Governor and Council at *Madras*, and the Governor General of *Fort William*, shall be exempted from the Authority of the Court to be erected.

III. Provided always, That the Governor and Council at *Madras*, and the Governor General of *Fort William* aforesaid, shall enjoy the same Exemption, and no other, from the Authority of the said Supreme Court of Judicature to be there erected, as is enjoyed by the said Governor General and Council at *Fort William* aforesaid, from the Jurisdiction of the Supreme Court of Judicature there already by Law established.

If His Majesty shall erect a Supreme Court at *Madras*, the Records directed by recited Act of 37 *Geo.* III, to be delivered over to the new Courts, and those belonging thereto, shall be delivered over to the Supreme Court.

IV. And be it further enacted, That if His Majesty, His Heirs or Successors, shall grant such Charter as aforesaid, and erect such Supreme Court of Judicature at *Madras* as aforesaid, all the Records, Muniments, and Proceedings whatsoever, of and belonging to the late Mayor's Court at *Madras*, or to the late Court of Oyer and Terminer, and Gaol Delivery, which were, by the said Act passed in the Thirty-seventh Year of His present Majesty, directed to be delivered over, preserved, and deposited in the new Courts, erected by virtue of the said Act; and all the Records, Muniments, and Proceedings whatsoever, of and belonging to any of the said new Courts, shall, from and immediately after such Supreme Court of Judicature as His Majesty is hereby empowered to erect shall be established at *Madras*, be delivered over to be preserved and deposited for safe Custody in the said new Court of Judicature; to which all Parties concerned shall and may have Resort and Recourse upon Application to the said Court.

So much of the Charter of His present Majesty for erecting the Courts of Recorder at *Madras*, as relates to the Appointment of a Recorder, &c. if a new Charter be granted, shall be void, and the Powers granted by recited Act of 37 *Geo.* III, may be exercised by the Supreme Court.

V. And be it further enacted, That so much of the Charter granted by His present Majesty, for erecting the Courts of the Recorder of *Madras* and *Bombay*, as relates to the Appointment of such Recorder, and the erecting of such Courts of Judicature at *Madras*, in case a new Charter shall be granted by His Majesty, His Heirs or Successors, and shall be openly published at *Madras*, from and immediately after such Publication, shall cease and determine and be absolutely void to all Intents and Purposes whatsoever; and all Powers and Authorities granted by the said Act of the Thirty-seventh of His present Majesty to the said Courts of the Recorder at *Madras*, shall cease and determine, and be no longer exercised by the said Court, but the same shall and may be exercised by the Supreme Court of Judicature to be erected by virtue of this Act, in the Manner and to the Extent herein-before directed.

VI. And

The Court of Directors shall cause to be paid certain Salaries to the Chief Justice and Judges of the Supreme Court as shall be established by the new Charter, out of the Territorial Revenues of *Madras*.

VI. And be it further enacted, That when the said Supreme Court of Judicature which His Majesty is hereby empowered to erect, shall be erected, the Court of Directors of the said United Company shall, and they are hereby required to direct and cause to be paid certain and established Salaries to the Chief Justice, and each of the Judges of such Supreme Court of Judicature at *Madras*, as shall be by the said new Charter established; that is to say, to the Chief Justice Six thousand Pounds by the Year, and to each of the Judges at the said Supreme Court of Judicature at *Madras* Five thousand Pounds by the Year; and that such Salaries shall be paid and payable to each and every of them respectively out of the Territorial Revenues of the said Settlement of *Madras*, at an Exchange of Eight Shillings for the Pagoda of that Settlement.

When Salaries shall commence, which shall be in lieu of all Perquisites.

VII. And be it further enacted, That the said Salaries shall commence and take place in respect to such Persons who shall be resident in *Great Britain* at the Time of their Appointment, upon and from the Day on which such Persons shall embark from *Great Britain*, and that the Salaries of all such Persons, who shall at the Time of their Appointment be resident in *India*, shall commence and take place from and after their respectively taking upon them the Execution of their Office as aforesaid; and that all such Salaries shall be in lieu of all Fees of Office, Perquisites, Emoluments, and Advantages whatsoever, and that no Fees of Office, Perquisites, Emoluments, or Advantages whatsoever shall be accepted, received, or taken in any Manner, or on any Account or Pretence whatsoever, other than such Salaries and Allowances as are in and by this Act directed to be paid.

If the Chief Justice, or any of the Puisne Judges, shall return to *Europe*, His Majesty may direct Allowances to be made to them out of the Revenues of the *British* Territories in *India*, not exceeding a certain Amount, provided they have resided in *India* Seven Years in certain Situations.

VIII. And be it further enacted, That if the Chief Justice, or any or either of the Puisne Judges of the Supreme Court of Judicature to be erected at *Madras* by virtue of this Act, shall return to *Europe*, from Age, Infirmity, or other Cause to be approved of by His Majesty, it shall and may be lawful for His Majesty, by Warrant under the Sign Manual, to direct and authorize an Allowance to be made out of the Revenues of the *British* Territories in *India*, to such Chief Justice or Judge so returning: Provided always, That it shall not be lawful for His Majesty to direct any larger Allowance to be made to such Chief Justice than the Sum of One thousand Six hundred Pounds Sterling, nor to either of the said Puisne Judges so returning than the Sum of One thousand two hundred Pounds Sterling *per Annum*; nor shall it be lawful for His Majesty to direct any Allowance to be made to any Person who has not resided in *India* for Seven Years, either as Chief Justice or one of the Puisne Judges of the Supreme Court of Judicature of *Fort William*, or of the Supreme Court of Judicature to be erected as aforesaid at *Madras*, nor to authorize the Payment of any Sum which, with the Sums already directed and authorized to be paid at the Date of such Grant, shall in the Whole exceed the Amount of the Salary to be paid to One of the Puisne Judges of the said Supreme Court.

The Salaries of the Judges of the Supreme Courts, and of the Recorder of *Bombay*, to cease on their leaving *India*.

IX. Provided always, and be it hereby further enacted, That when either of the Judges of the Supreme Court of Judicature at *Fort William*, or of the Supreme Court of Judicature which His Majesty is hereby empowered to erect at *Madras*, or the Recorder of *Bombay*, shall respectively leave *India*, the Salary now payable, or which may become payable under and by virtue of this Act, to any such Judge or Recorder respectively, shall cease and be no longer paid; any Thing herein or in any former Act or Acts contained to the contrary thereof in anywise notwithstanding.

How the vacant Office of Recorder at *Bombay* shall be supplied in case no Successor shall be upon the Spot.

X. And be it further enacted, That whenever the Office of Recorder of *Bombay* shall become vacant, and no Person shall be upon the Spot who shall have been appointed by His Majesty to succeed to such Recordership, in such Case, and as soon as the same shall be made known to the Supreme Court of Judicature which His Majesty is hereby empowered to erect at *Madras*, the Junior Puisne Judge of the said Court shall, and he is hereby directed and authorized to proceed with all convenient Speed to the said Settlement of *Bombay*, and shall take upon himself the Office of Recorder of the said Settlement, and shall hold and exercise the same in as full and ample a Manner, and with the like Allowances and Exemptions, as if he had been appointed Recorder of the said Settlement by His Majesty, or provisionally by virtue of the Act passed in the Thirty-seventh Year of His present Majesty's Reign, and shall continue to hold and exercise the said Office until a Recorder shall have been appointed by His Majesty, and until such Recorder shall arrive at the said Settlement and no longer: Provided always, That if at the Time of the Notification of such Vacancy, the Establishment of the said Supreme Court at *Madras* shall not be full, and the Establishment at the Supreme Court at *Fort William* shall be full, then and in such Case only the Junior Puisne Judge of the said Supreme Court of Judicature at *Fort William*, as soon as the Vacancy in the said Office of Recorder is made known to the said Supreme Court, shall in like Manner proceed to take upon himself the said Office of Recorder at *Bombay*,

and

and shall continue to hold and exercise the same in like Manner, to all Intents and Purposes, as is herein-before provided; any Thing in the said Act, or in any other Act or Acts, to the contrary thereof in anywise notwithstanding.

The Governor and Council at *Fort St. George* may frame Regulations for the Provincial Courts and Councils annexed to that Presidency as the Governor General and Council at *Fort William* may do for the better Administration of Justice in *Bengal*, &c.

XI. And be it further enacted, That it shall and may be lawful to and for the Governor and Council at *Fort Saint George* aforesaid, to frame Regulations from Time to Time for the Provincial Courts and Councils within the Territories and Provinces which now are, or shall at any Time hereafter be (and while the same shall so be) annexed to or made subject to the said Presidency, in like Manner, and subject to all the Regulations, Provisions, and Confirmations touching the same, as the Governor General and Council at *Fort William* aforesaid are, by any Act now in force, authorized and empowered to do, for the better Administration of Justice among the native Inhabitants and others being within the Provinces of *Bengal*, *Bahar*, and *Orissa*.

If the Governor General of *Fort William*, or the Governor of *Fort St. George*, or of *Bombay*, shall signify his intended Absence from the Council, the senior Member present shall preside; but no Act of such Council shall be valid, unless signed by the Governor General, or Governor respectively, if resident at the Presidency, and not prevented by Indisposition; and if not so prevented, and he shall refuse to sign, he, and the Members who shall have signed, shall mutually communicate the Grounds of their Opinions as directed by recited Act of 33 *Geo.* III, where he shall when present dissent from the Council.

XII. And be it further enacted, That if the Governor General of *Fort William* in *Bengal* for the Time being, or the Governor of the said Presidency of *Fort Saint George*, and of the said Presidency and Island of *Bombay* respectively for the Time being, shall happen to be absent from any Council to be assembled for the said Respective Presidencies of *Fort William* and *Fort Saint George*, and the said Presidency and Island of *Bombay*, owing to Indisposition or any other Cause whatsoever, and shall signify such his intended Absence to such Council so to be assembled, then and in every such Case the senior Member for the Time being who shall be present at the Council so assembled, shall preside at such Council, in such Manner, and with such full Powers and Authorities, during the Time that such Council shall continue to be assembled, as such Governor General or Governor might or would have had in case such Governor General or Governor were himself actually present at such Council: Provided nevertheless, That no Act of any Council so held shall be valid to any Effect whatsoever, unless the same shall be signed by such Governor General or Governor respectively, if such Governor General or Governor shall at the Time be resident at the Presidency at which such Council shall be so assembled, and shall not be prevented by such Indisposition from signing the same: Provided always, That in case such Governor General or Governor, not being so prevented as aforesaid, shall decline or refuse to sign such Act of Council, he and the several Members of the Council who shall have signed the same, shall mutually exchange with and communicate in Writing to each other the Grounds and Reasons of their respective Opinions, in like Manner and subject to such Regulations and ultimate Responsibility of such Governor General or Governor respectively, as are by the said Act, passed in the Thirty-third Year of the Reign of His present Majesty, provided and directed, in Cases where such Governor General or Governor respectively shall, when present, dissent from any Measure proposed or agitated in such Council respectively: Provided also, That nothing herein contained shall be taken or construed to prevent such Governor General, in case he shall be absent from his own Government of *Bengal*, to nominate a Vice President and Deputy Governor of *Fort William*, according to the Provision for that Purpose in the said Act passed in the Thirty-third Year of His present Majesty.

The Governor General, when absent, may nominate a Vice President and Deputy Governor of *Fort William*.

Persons who have been convicted of Offences, for which they would have been liable by the Laws of this Realm, before the passing of this Act, to be transported, may be transported to *New South Wales*, &c. and Persons who shall hereafter be convicted of any Crimes, excluding them from Benefit of Clergy may, instead of Sentence of Execution, be ordered to be transported.

XIII. And be it further enacted, That where any Person or Persons shall have been convicted at any Session of Oyer and Terminer or Gaol Delivery, or any Session of the Peace which shall have been holden for any of the said Presidencies or Settlements of *Fort William* and *Fort Saint George*, and the said Presidency or Island of *Bombay*, of the Crime of Perjury, or of Grand or Petit Larceny, or of any other Offence for which such Person or Persons would, before the passing of this Act, have been liable by the Laws of this Realm to be transported, it shall and may be lawful for the Court before which any such Person or Persons shall be so convicted as aforesaid, or any subsequent Court holden at any of the Presidencies above-mentioned respectively, with like Authority, to order and adjudge that such Person or Persons so convicted as aforesaid, shall be transported to the Eastern Coast of *New South Wales*, or some one or other of the Islands adjacent, or elsewhere, and for such Term of Years as the said Court shall direct; and where any Person or Persons shall hereafter be convicted of any Crimes whatsoever, for which he, she, or they is, are, or shall be by the Laws of this Realm, as extending to the *British* Dominions in *India*, excluded from the Benefit of Clergy, it shall and may be lawful to and for such Court respectively, as they shall see fit, instead of awarding Sentence of Execution against such Offender or Offenders, to order such Offender or Offenders to be in like Manner transported, either for Life, or for such Number of Years as such Court shall award and order; and the Governor and Council of such Presidency respectively shall, and they are hereby required to take Order for the due Performance of all such Sentences of Transportation accordingly: Provided

Provided always, That it shall not be lawful for any such Court to order the Transportation of any Person or Persons, being Natives of *India* and not born of *European* Parents, to the Eastern Coast of *New South Wales*, or any of the Islands adjacent thereto.

Natives of *India* not born of *European* Parents not to be transported to *New South Wales*.

XIV. Provided nevertheless, That no Offence whatsoever shall be liable to be punished by such Sentence of Transportation as aforesaid (except in case the same shall be substituted as aforesaid in the Place of a capital Punishment) unless such Offence shall have been committed Three Months after this Act, and all the Clauses and Provisions therein contained shall have been openly published in the said Presidencies of *Fort William*, *Fort St. George*, and *Bombay* respectively; any Thing herein contained to the contrary thereof in anywise notwithstanding.

No Offence to be punished by Transportation (except substituted for capital Punishment) unless committed Three Months after this Act shall have been published at *Fort William*, &c.

XV. And be it further enacted, That if any Offender so ordered by any such Court to be transported for any Term of Life or Years, or other Time or Times as aforesaid, shall return into any of the said Territories or Acquisitions of the said United Company, or shall come into any Part of *Great Britain* or *Ireland*, before the End of his or her said Term, he or she so returning as aforesaid shall be liable to be punished as a Person attainted of Felony, without the Benefit of Clergy, and Execution may and shall be awarded against such Offender accordingly.

If any Person transported shall return into the Territories of the United Company, &c. before the Expiration of his Term, he shall be punished as a Felon without Benefit of Clergy.

XVI. Provided nevertheless, That nothing herein contained shall be construed or taken to prevent His Majesty, His Heirs and Successors, from extending His or Their Royal Mercy to any such Offender or Offenders, and from allowing of the Return of any such Offender or Offenders from such Place of Transportation.

His Majesty may extend His Mercy to Offenders.

XVII. And whereas great Inconveniences have resulted from the Manner in which the Courts of Requests for the Recovery of Small Debts in the respective Settlements of *Fort William* and *Fort Saint George* are constituted; be it therefore further enacted, That it shall and may be lawful to and for the Governor General and Council of *Fort William*, and for the Governor and Council of *Fort Saint George* aforesaid for the Time being respectively, to order and appoint in what Manner the said Courts respectively shall in future be formed, and to what Amount in Value, not exceeding the Sum of Four hundred Sicca Rupees, the Jurisdiction of the same shall extend, and to frame and make such new Rules and Orders, and to establish and declare such new Modes and Forms of Proceeding, as to them shall appear to be necessary and expedient for new-modelling, altering, and reforming the present Constitution and Practice of the said Courts respectively, and by their Proclamation, to be made and published in due Form of Law, to declare and notify to all Persons concerned, such new Constitution, Rules, Orders, Modes, and Forms of Proceeding, and the Time from whence they are to have Force and Effect; and from and after such Time as shall be so respectively notified for that Purpose, the present Courts of Requests, as well as the Rules, Orders, Modes, and Forms of Proceeding which are now used and observed therein, shall be abolished and cease, and thenceforth the new Court, Rules, Orders, Modes, and Forms of Proceeding which the said Governor General and Council are authorized and empowered, under and by virtue of this Act, to make and publish, shall be in full Force and Effect; any former Act or Acts to the contrary thereof in anywise notwithstanding.

The Governor General and Council of *Fort William*, and the Governor and Council of *Fort St. George*, may order in what Manner the Courts of Requests shall in future be formed, and to what Amount the Jurisdiction shall extend, &c.

XVIII. And whereas the Powers given by the Act of the Thirteenth Year of His present Majesty to the Governor General and Council of the said United Company's Settlement at *Fort William* aforesaid, to enforce the Observance of such Rules, Ordinances, or Regulations, for the good Order and Civil Government of the said Settlement, and other Factories and Places subordinate to or to be subordinate thereto, as they are thereby authorized to make, by setting, imposing, and levying reasonable Fines and Forfeitures for the Breach or Non-observance of such Rules, Ordinances, and Regulations, have not been found sufficient for the Preservation of good Order in the said Settlement; be it therefore enacted, That it shall and may be lawful to and for the said Governor General and Council for the Time being, in addition to, or instead of such Fines and Forfeitures as above mentioned, to order or appoint such moderate and reasonable Corporal Punishment, by publick or private whipping, or otherwise, as to them shall seem fit and expedient, for the Breach or Non-observance of any such Rules heretofore made or hereafter to be by them made, by virtue of the Authority herein-before recited, subject nevertheless to such Registry, Publication, Approbation, Power of Appeal, and other Regulations, as in and by the said recited Act, passed in the Thirteenth Year of His present Majesty, are prescribed, and

The Governor General and Council at *Fort William* may order Corporal Punishment for Breach of Rules, made under Authority of the recited Act of 13 *Geo.* III.

and provided touching the Rules, Ordinances, Regulations, Fines, and Forfeitures therein and herein-before mentioned.

No Corporal Punishment to be ordered except on Conviction before Two Justices.

XIX. Provided always, and be it further enacted, That no such Corporal Punishment shall in any Case be ordered to be inflicted, except only in case of due Conviction of the Offender before Two Justices of the Peace acting in and for the said Settlement, Presidencies, and Places thereto subordinate, which Offence such Two Justices of the Peace are hereby authorized and empowered to hear and determine, and to order such Punishment upon Conviction as aforesaid: Provided also, That no such Conviction, Judgement, or Order, shall be reviewed or brought into any superior Court by Writ of *Certiorari* or Appeal, or any other Process whatsoever; any Thing in any former Act or Acts to the contrary thereof in anywise notwithstanding.

No Conviction to be reviewed.

From *March* 1, 1801, the Power of the Supreme Court of Judicature of *Fort William* shall extend over the Province of *Benares*, and all Places subordinate thereto, and all Districts hereafter annexed to the Presidency.

XX. And whereas the Province or District of *Benares* has been ceded to the said United Company, and been annexed to the said Presidency of *Fort William* in *Bengal*, since the Establishment of the said Supreme Court of Judicature at *Fort William* aforesaid, and it is expedient that the same should be subject to the Jurisdiction of the said Court, in like Manner as the Kingdoms or Provinces of *Bengal*, *Bahar*, and *Orissa*, and that the said Province or District, and all other Provinces or Districts, which may hereafter be at any Time annexed and made subject to the said Presidency, should be subject to such Regulations as the Governor General and Council of *Fort William* aforesaid have framed or may frame for the better Administration of Justice among the native Inhabitants and others within the same respectively; be it therefore further enacted, That, from and after the First Day of *March* which will be in the Year of our Lord One thousand eight hundred and one, the Power and Authority of the said Supreme Court of Judicature in and for the said Presidency of *Fort William* aforesaid, as now, and by virtue of this Act established, and all such Regulations as have been or may be hereafter, according to the Powers and Authorities, and subject to the Provisions and Restrictions before enacted, framed, and provided, shall extend to and over the said Province or District of *Benares*, and to and over all the Factories, Districts, and Places, which now are or hereafter shall be made subordinate thereto, and to and over all such Provinces and Districts as may at any Time hereafter be annexed and made subject to the said Presidency of *Fort William* aforesaid.

From *March* 1, 1801, whenever any *British* Subject shall die within either of the Presidencies or subordinate Territories, and no next of Kin or Creditor shall appear, the Register of the Ecclesiastical Court shall apply for Letters of Administration, and shall collect the Assets of the Deceased, and bring them into Court, and account for them.

XXI. And whereas great Inconveniencies have arisen from the Practice of granting Letters of Administration by the said Supreme Court of Judicature at *Fort William* aforesaid, in Cases where the next of Kin, or any of the Creditors of the Deceased, do not apply for the same, to Persons calling themselves Friends of the Deceased; be it therefore further enacted, That, from and after the First Day of *March* which will be in the Year of our Lord One thousand eight hundred and one, whenever any *British* Subject shall die intestate within either of the Presidencies of *Fort William*, *Fort Saint George*, or *Bombay*, or the Territories subordinate to either of the said Presidencies, or to become subordinate thereto, and on Return of the Citation to be issued from the proper Ecclesiastical Court, no next of Kin or Creditor shall appear and make out their Claim to the Administration of the Effects of the Intestate deceased to the Satisfaction of the said Court, it shall and may be lawful for the Register of such Court respectively, and he is hereby required to apply for, and such Court is hereby required and directed to grant such Letters *ad Colligenda* or of Administration, as to such Court shall seem meet, by virtue whereof such Register shall collect the Assets of the Deceased, and shall bring them for safe Custody into such Court, and account for them regularly, in like Manner as is now by Law provided in Cases where Assets are vested in the Hands of any Officer of the Court, under or by virtue of the equitable Jurisdiction of any such Court.

When any next of Kin or Creditor, who shall have been absent, shall make out his Claim, the Letters of Administration to the Register shall be recalled, and Letters granted to the Claimant.

XXII. Provided always, and be it further enacted, That when any next of Kin or Creditor, who, at the Time of the Return of the above Citation, shall have been absent in *Europe* or elsewhere, shall make and establish their Claim to the Administration of the Assets of such Intestate, the Letters *ad Colligenda* or of Administration, granted by virtue of this Act to the said Register, shall be recalled, and Administration in due Form granted to such next of Kin or Creditor respectively.

The Judge of the Supreme Court at *Fort William*, and of the Supreme Court to be erected at *Madras*, and the Court of the Recorder at *Bombay*, may

XXIII. And whereas Doubts may have arisen whether any of the Courts of Judicature established in *India* by virtue of His Majesty's Charter, are competent to administer adequate Relief to insolvent Debtors, who stand charged in Execution for Debts under a certain Amount, according to the Provisions of an Act passed in the Thirty-second Year of His late Majesty's Reign, commonly called *The Lord's Act*, be it therefore further enacted, That it shall and may be lawful for the Judge of the said Supreme Court at *Fort William*, and of the Supreme Court which

make Rules for extending to Insolvent Debtors, the Relief intended by *Act* 32 *Geo.* II. commonly called *The Lord's Act*.

which His Majesty is empowered by this Act to erect at *Madras*, or for the Court of the Recorder at *Bombay*, to make and publish such Rules and Orders as to them respectively shall seem meet, for extending to such insolvent Debtors as shall be in Execution under the Process of such respective Courts, or of any Court previously established at such Presidency respectively, for Sums under the Amount to be prescribed by such Rules and Orders, the Relief intended by the said Act, and to prescribe and order what weekly Sum the Creditor or Creditors at whose Suit such Debtor stands charged in Execution, shall be obliged to pay and allow, in case such Creditor or Creditors shall insist on such Debtor being detained in Custody, and to adopt and proportion the same, as well as the Amount of such Debt as above-mentioned, to the general State and Condition of such Debtors, whether Natives or *Europeans*, under the Jurisdiction of such Court respectively; and such Courts are hereby authorized and empowered, as soon as such Rules and Orders shall have been made and established, to proceed to act upon the same accordingly as Cases may arise to require the same, and to make such Orders in such Cases as may be necessary to carry the same fully into Effect: Provided always, That all such Rules and Orders as are first above mentioned, for prescribing the Mode in which such Relief shall be administered, shall be transmitted to the President of the Board of Commissioners for the Affairs of *India*, to be laid before His Majesty for His Royal Approbation, Correction, or Revision, and such Rules and Orders shall be observed until the same shall be repealed or varied, and in the last Case with such Variation as shall be made therein.

All Rules made previous to the Notification of this Act in the Presidencies, for the Relief of Insolvent Debtors, shall be confirmed, and all Suits commenced for acting under them shall be void.

XXIV. And be it further enacted, That all Rules and Orders heretofore made or hereafter to be made, previous to the Notification of this present Act, in such Presidencies respectively, by any of the Courts above-mentioned, or any Court previously established in either of the said Presidencies for the Relief and Discharge of such Insolvent Debtors, and all Acts by them, or either of them, done or commanded in pursuance thereof, shall be, and they are hereby ratified and confirmed, and all present Actions and Suits, Indictments, Informations, and all Molestations, Prosecutions, and Proceedings whatsoever, which may have been, or may be had, commenced, or prosecuted, against any Person whomsoever, for acting or having acted under and in Obedience to any such Rules or Orders, are and shall be discharged, annulled, and utterly made void and of no Effect, to all Intents and Purposes, by virtue of this Act.

His Majesty may appoint Commissioners for carrying into Execution a Commission for the Trial and Adjudication of Prize Causes, &c. in *India*.

XXV. And whereas it may be expedient for His Majesty, His Heirs or Successors, to issue a Commission from His High Court of Admiralty in *England*, for the Trial and Adjudication of Prize Causes, and other Maritime Questions arising in *India*; be it therefore further enacted, That it shall and may be lawful for His Majesty, His Heirs and Successors, to nominate and appoint all or any of the Judges of the Supreme Court of Judicature at *Fort William* aforesaid, or of the Supreme Court of Judicature to be erected as aforesaid at *Madras*, or the Court of the Recorder at *Bombay*, either alone or jointly with any other Persons to be named in such Commission, to be Commissioners for the Purpose of carrying such Commission so to be issued as aforesaid into Execution; any Act or Acts to the contrary thereof in anywise notwithstanding.

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41 GEORGII III. (U.K.) Cap. XXI.

An Act for permitting East India *Goods prohibited to be worn or used in* Great Britain, *and warehoused, in pursuance of an Act made in the Thirty-ninth Year of the Reign of His present Majesty, to be removed by Land Carriage to certain Ports, for the Purpose of being exported to the* British *Colonies or Plantations in the* West Indies.

[18*th April*, 1801.]

Preamble. 59 Geo. III. Cap. 59. recited.

WHEREAS by an Act passed in the Thirty-ninth Year of the Reign of His present Majesty, amongst other Things for permitting certain Goods imported from the *East Indies* to be warehoused in the Port of *London*, and such Goods, after having been so warehoused, are required to be exported directly from the Warehouse or Warehouses in which the same shall have been so lodged or secured: And whereas it is expedient to permit *East India* Goods, which are prohibited

prohibited to be worn or used in that Part of the United Kingdom called *Great Britain*, and which shall have been warehoused in pursuance of the said Act, to be removed by Land Carriage to the Ports of *Liverpool*, *Lancaster*, and *Bristol*, for the Purpose of being exported to the *British* Colonies or Plantations in the *West Indies*: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That whenever any *East India* Goods, which are prohibited to be worn or used in that Part of the United Kingdom called *Great Britain*, and which shall have been so warehoused in pursuance of the said Act, shall be intended to be exported to any *British* Colony or Plantation in the *West Indies*, it shall and may be lawful for the Commissioners of His Majesty's Customs for the Time being, or any Four or more of them, to grant Permission for the Removal of the said Goods from such Warehouse or Warehouses by Land Carriage to the Ports of *Liverpool*, *Lancaster*, and *Bristol*, for the Purpose of being exported from thence respectively to the said *British* Colonies or Plantations in the *West Indies*, under such Rules, Regulations, Restrictions, and Securities, as are now by Law required for certain *East India* prohibited Goods, when removed from one Port of *Great Britain* to another, to be from thence exported to *Africa*.

Commissioners of the Customs may permit *East India* Goods, prohibited to be worn in *Great Britain*, and warehoused under recited Act, to be removed by Land Carriage to certain Ports for Exportation to the *British* Colonies in the *West Indies*.

41 GEORGII III. (U. K.) Cap. XXXIII.

An Act for repealing certain Duties upon Tea imported into Ireland, *and for granting other Duties in lieu thereof; and for granting additional Duties on Sugar and Coals imported into* Ireland. [30*th April*, 1801].

Most Gracious Sovereign,

Preamble

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland* in Parliament assembled, being desirous of raising the necessary Supplies to defray Your Majesty's Publick Expences in *Ireland*, and of making a permanent Addition to the Publick Revenue in that Part of the United Kingdom, have resolved, that the Duties on Teas imported into *Ireland*, which were granted by an Act of the Parliament of *Ireland* in the Fortieth Year of Your Majesty's Reign, intituled, *An Act for granting for One Year, the several Duties therein mentioned, in lieu of all other Duties payable upon the Articles therein specified, during the said Term; and for regulating the Trade between this Kingdom and His Majesty's Colonies; and for other Purposes therein mentioned*; and which were continued by an Act of the Parliament of the United Kingdom until and upon the Twenty-fifth Day of *March* One thousand eight hundred and two; should be repealed, and the Duties on Teas, herein-after mentioned, should be granted in lieu thereof; and do therefore beseech Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Duties on Teas imported into *Ireland*, granted and continued by the said recited Acts, shall, from and after the Expiration of Ten Days after the passing of this Act, be, and the same are hereby repealed, save and except in all Cases relating to the recovering, collecting, paying, or accounting for any Arrears of the said Duties which may then have become payable, or to the recovering of any Penalty or Forfeiture which shall then have been incurred under and by virtue of the said recited Acts, or either of them.

Act of the Parliament of *Ireland*, 40 *Geo.* III. and Act of the Parliament of the United Kingdom, 41 *Geo.* III. Cap. 17, recited.

Duties on Teas imported into *Ireland*, granted and continued by recited Acts, repealed.

II. And be it enacted, That, from and after the Expiration of Ten Days from the passing of this Act, there shall be granted, raised, collected, and paid, unto His Majesty, for and upon all Teas which from and after the said Ten Days, shall be imported into *Ireland*, the Duties following; that is to say, For and upon all such Teas as shall have been purchased at any Sale or Sales of the *East India* Company in *London*, at a Price not exceeding Two Shillings and Sixpence *British per* Pound Weight, a Duty of Twenty Pounds *per Centum* on such Price; and for and upon all such Teas as shall have been purchased as aforesaid, at a Price exceeding Two Shillings and Sixpence *British per* Pound Weight, a Duty of Thirty-five Pounds *per Centum* on such Price.

After 10 Days from passing this Act, there shall be paid upon Teas imported into *Ireland*, purchased at the *East India* Sales in *London*, a Duty *ad Valorem*.

III. And

III. And be it enacted, That the Price aforesaid of all Teas imported into *Ireland* shall be inserted in the Cockets, and shall be further ascertained by Reference to the Sale Books of the *East India* Company, according to the Manner heretofore established in *Ireland* for that Purpose.

The Price to be inserted in the Cockets, and ascertained by the Sale Books.

IV. And be it enacted, That, from and after the Time aforesaid, there shall be granted, raised, collected, and paid, unto His Majesty, for and upon all *Muscovado* and clayed Sugar which shall be imported into *Ireland*, an additional Duty of Two Shillings for every Hundred Weight thereof, containing One hundred and twelve Pounds; and for and upon all refined Sugars of the Manufacture of *Great Britain*, which shall be imported directly from thence into *Ireland*, the several and respective additional Duties following; that is to say,

From the same Time there shall be paid certain additional Duties on Sugars, herein described, imported into *Ireland*.

For and upon all Sugar called *Bastards*, white or ground, an additional Duty of Two Shillings for every Hundred Weight thereof, containing One hundred and twelve Pounds:

Duties.

For and upon all Sugar called *Lumps*, an additional Duty of Three Shillings and Nine-pence for every Hundred Weight thereof, containing One hundred and twelve Pounds:

For and upon all Sugar called *Single Loaf Sugar*, an additional Duty of Four Shillings for every Hundred Weight thereof, containing One hundred and twelve Pounds:

For and upon all Sugar called *Powder Loaf* and *Double Loaf Sugar*, an additional Duty of Four Shillings and Three-pence Halfpenny for every Hundred Weight thereof, containing One hundred and twelve Pounds:

For and upon all Sugar called *Sugar Candy brown*, an additional Duty of Three Shillings and Nine-pence for every Hundred Weight thereof, containing One hundred and twelve Pounds:

For and upon all Sugar called *Sugar Candy white*, an additional Duty of Four Shillings and Three-pence Halfpenny for every Hundred Weight thereof, containing One hundred and twelve Pounds:

And for and upon all Sugar refined of any other Sort, an additional Duty of Four Shillings and Three-pence Halfpenny for every Hundred Weight thereof, containing One hundred and twelve Pounds:

And so in Proportion for any greater or less Quantity of the said Sugars:

And for and upon all *British* Coals which shall be imported into *Ireland*, an additional Duty after the Rate of Ten-pence and Fourteen-twentieth Parts of One Penny for every Ton thereof, containing Twenty hundred Weight.

Additional Duties on *British* Coals imported into *Ireland*.

V. And be it enacted, That the several additional Duties hereby granted shall be paid over and above the several respective Duties now payable on the several Articles and Things on which the said additional Duties are granted; and all the said Duties shall be paid according to the Value of current Money in *Ireland*.

Duties to be paid over and above the Duties now payable, and according to the Currency of *Ireland*.

VI. And be it enacted, That upon the Exportation from *Ireland* of the several Articles and Things on which the Duties and additional Duties hereby granted are imposed, a Drawback of such Duties respectively shall be allowed, in like Manner as a Drawback of the Duties now payable on the said Articles and Things respectively is allowed.

On Exportation a Drawback of the Duties shall be allowed as of the Duties now payable.

VII. And be it enacted, That the several Duties hereby granted shall be raised, levied, collected, and paid, in the like Manner, and under such Powers and Authorities, and by such Ways, Means, and Methods, and according to such Rules and Directions as are appointed and expressed in and by the said first recited Act for raising, levying, collecting, and paying the several Duties thereby granted.

Duties to be raised, &c. according to the first recited Act.

VIII. And be it enacted, That all Monies arising from the Duties hereby granted, (the necessary Charges of collecting and paying the same being deducted), shall be carried to and made Part of the Consolidated Fund of *Ireland*.

Duties to be carried to the Consolidated Fund of *Ireland*.

IX. And be it enacted, That this Act may be varied, altered, amended, or repealed, in this present Session of Parliament.

Act may be altered or repealed this Session.

41 GEORGII III. Cap. LXXV.

An Act to permit the Exportation of Tea to Ireland *without Payment of any Duty, under certain Restrictions.* [27*th June*, 1801.]

Preamble.

WHEREAS the Duties of Customs and Excise payable on Tea taken out of the Warehouses of the United Company of Merchants of *England* trading to the *East Indies*, which, by certain Acts of Parliament now in Force, are to be drawn back on the Exportation thereof to *Ireland*, are retained in *Great Britain* until a Certificate of the landing of such Tea in *Ireland* be produced: And whereas it is expedient to allow Tea to be exported to *Ireland*, without Payment of the Duties so allowed to be drawn back; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, it shall and may be lawful to export Tea to *Ireland* without Payment of any Duties of Customs or Excise, as shall, on or after the Eighth Day of *June* One thousand eight hundred and one, be sold at the Sales of the United Company of Merchants of *England* trading to the *East Indies*, under and subject to the Regulations and Restrictions hereinafter mentioned: Provided always, That no Person or Persons whatsoever, shall be at Liberty to export any Tea to or for *Ireland*, free of Duty, except such Tea as shall be taken for the sole and express Purpose of being so exported, for or out of the Warehouses belonging to the United Company of Merchants of *England* trading to the *East Indies*, and except in a Quantity not less than one entire Lot.

Tea sold at the Sales of the *East India* Company on or after *June* 8, 1801, may be exported to *Ireland* without Payment of Duty if taken out of their Warehouses for that Purpose, and in a Quantity not less than a Lot.

No such Tea to be delivered for Exportation until Bond shall have been given for the due Exportation thereof.

II. And be it further enacted, That no Tea shall be taken or delivered from or out of the said Warehouses, free of Duty, for Exportation to *Ireland* as aforesaid, until the Proprietor or Proprietors, or Exporter or Exporters thereof, shall have given Bond or Security in Double the Value of the Duty of Customs, to be approved of by the Commissioners of Customs, and also Bond or Security to be approved of by the Commissioners of Excise, or the Person or Persons to be appointed or empowered by them for that Purpose, in Double the Value of the Duty of Excise, for the due Exportation of such Tea, (the Danger of the Seas and Enemies excepted); which Bonds or Securities the said Commissioners of Customs and Excise respectively, or the Person or Persons so to be appointed or empowered as afore-mentioned, are hereby authorized and required to take in His Majesty's Name.

Regulations for exporting Tea to *Ireland*.

III. And be it further enacted, That all and every Person or Persons, desirous of exporting Tea to *Ireland* free of Duty, shall, at least Twenty-four Hours previous to the Delivery of any such Tea, make Entry in Writing with the Collector of the Customs and proper Officer of Excise respectively, specifying the Number of the Lot or Lots of Tea intended to be exported, the Number of each Chest or Package, and the Weight, the Quality and Sale Price of the Tea in each Lot, the Amount of the Duties of Excise or Customs, as the Case may require, the Name of the Ship in which such Tea was imported, and also the Port from whence such Tea is intended to be exported; and thereupon the Collector of the Customs, and proper Officer of Excise shall respectively receive and take such Bond or Security as aforesaid, and shall give the Person or Persons proposing to export such Tea, and entering into such Bond or Security as aforesaid, a Certificate in Writing, specifying the Lot or Lots of Tea so intended to be exported, and for which Bond or Security is taken, the Number of each Chest or Package, and the Weight of each Lot, the Quality and Sale Price of the Tea, the Amount of the Duties of Customs or Excise, as the Case may require, and the Name of the Ship by which imported; and upon producing to, and leaving with the proper Officers of the Customs and Excise, having Charge of the Warehouse in which the Tea intended to be so exported shall be lodged or deposited, such Certificates respectively, such Officers shall, and they are hereby severally authorized and required to deliver a Duplicate of such Certificate under their respective Hands to the Accomptant employed by the said United Company of Merchants of *England* trading to the *East Indies*, and also to allow the Tea particularly mentioned in such Certificate to be delivered for Exportation, without Payment of or depositing any Duties thereon: Provided nevertheless, That such duplicate Certificate shall be

be delivered to the said Accomptant on or before the prompt Day (that is the Day fixed by the said Company for the Buyers of Tea to make Payment for the same) of the Sale from which such Teas are intended to be exported; and the proper Officer of Excise shall, upon the Request in Writing of the Person or Persons intending to take out such Tea for Exportation, or of his known Servant or Agent, grant a Permit to accompany such Tea to the Port of Exportation, which Permit, in lieu and instead of specifying that the Duties have been paid, shall, in Addition to the several other Particulars usually expressed in Excise Permits, specify the Number of Chests or other Packages, and the Number of each Chest or Package, the Quantity and Species or Sort of Tea (that is to say), whether Black or Green Tea, contained in each Lot, and that such Tea is intended to be exported to *Ireland*.

Further Regulations.

IV. And be it further enacted, That before any such Tea shall be shipped for Exportation to *Ireland*, the Person or Persons intending to ship the same, or his or their known Servant or Agent, shall give Twenty-four Hours Notice in Writing to the proper Officers of Customs and Excise respectively, at the Port of Exportation, of his Intention to ship such Tea, specifying in such Notice the Number of Chests and Quantity of Tea intended to be shipped, the Number of the Chests or Packages, and Quality of and Species of Tea contained in each Chest or Package, and the Name of the Ship and of the Master thereof in which the same is intended to be exported, and the Time when such Tea is intended to be shipped; and shall deliver to the proper Officer of Excise who shall attend the shipping of such Tea, the Excise Permit with which the same shall or may be accompanied, and the Officer of Customs and Excise respectively, who shall attend the shipping of such Tea, shall give to the Shipper a Debenture or Certificate, testifying the shipping thereof, which Certificate of the shipping of such Tea, together with a Certificate under the Hands of the proper Officer or Officers of His Majesty's Customs, of the due Landing of such Tea in *Ireland*, being within Four Months of the Date of the Bond or Security produced to and left with the Collector of the Customs and Officer of Excise respectively, by whom such Bond or Security shall have been taken, such Bond or Security shall be thereupon discharged.

No Duty to be taken by the *East India* Company for Tea delivered for Exportation to *Ireland*, &c.

V. And be it further enacted, That no Duty shall be received or taken by the United Company of Merchants of *England* trading to the *East Indies*, for or in respect of any Tea which shall be delivered for Exportation to *Ireland* pursuant to the Directions of this Act, and that the said United Company shall be discharged of the Duty for all such Tea so delivered for Exportation, upon producing to and leaving with the proper Officers of Customs and Excise, the Duplicate or Certificate herein-before directed to be delivered to the Accomptant of the said United Company, any Thing in this or any other Act or Acts of Parliament to the contrary in anywise notwithstanding.

Penalty for embezzling Tea delivered for Exportation to *Ireland*, or for unlading it in *Great Britain*, after being shipped for Exportation.

VI. And be it further enacted, That if any Person or Persons shall embezzle, take, or carry away any Tea delivered from any Warehouse for Exportation to *Ireland*, either before or after the shipping thereof, or if any Person or Persons whatsoever, after the shipping of any such Tea for Exportation, shall consign, unlade, or put, or carry on Shore in any Part of *Great Britain*, any Tea so shipped for Exportation to *Ireland* as aforesaid (except in case of Shipwreck or other unavoidable Necessity), every Person so offending shall, in every such Case, over and besides the Penalty of the Bond, forfeit the Sum of Two hundred Pounds.

Penalty for counterfeiting Debentures, &c.

VII. And be it further enacted, That if any Person or Persons whatsoever, shall at any Time counterfeit or forge, or cause to be counterfeited or forged, any Debenture, Certificate, or Permit, in any Case in which a Debenture, Certificate, or Permit is by this Act required to be used, given or granted, any Person so offending, and being thereof convicted in due Form of Law, shall be adjudged guilty of Felony, and shall be transported for the Term of Seven Years; and if any Person or Persons shall wilfully and knowingly alter or erase any such Debenture, Certificate, or Permit, with Intent or for the Purpose of deceiving His Majesty's Officers of Customs or Excise, any Person so offending, and being convicted thereof, shall forfeit the Sum of Two hundred Pounds.

Commissioners of the Customs and Excise may forbear to put Bonds in Suit.

VIII. And be it further enacted, That it shall be lawful to and for the said Commissioners of the Customs and Excise respectively, to forbear, if they shall see cause so to do, to put in Suit any Bond by this Act directed to be given or entered into, upon such Terms and Conditions as to the said Commissioners respectively shall seem meet.

IX. And

All Laws in force relating to the Excise to extend to this Act.

IX. And be it further enacted, That all and every the Powers, Directions, Rules, Penalties, Forfeitures, Clauses, Matters, and Things, which in and by an Act made in the Twelfth Year of the Reign of King *Charles* the Second, intituled, *An Act for taking away the Court of Wards and Liveries, and Tenures* in capite, *and by Knights Service and Purveyance, and for settling a Revenue upon His Majesty in lieu thereof*, or by any other Law now in Force relating to His Majesty's Revenue of Excise, shall be practised, used, and put in Execution as fully and effectually as if all and every the said Powers, Rules, Directions, Penalties, Forfeitures, Clauses, Matters and Things, were particularly repeated and re-enacted in this present Act.

Recovery and Application of Penalties.

X. And be it further enacted, That all Fines, Penalties, and Forfeitures imposed by this Act, shall be sued for, recovered, levied, or mitigated, by such Ways, Means, or Methods, as any Fine, Penalty, or Forfeiture may be sued for, recovered, levied, or mitigated, by any Law or Laws of Excise, or by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at *Westminster*, or in the Court of Exchequer in *Scotland* respectively; and that One Moiety of every such Fine, Penalty, or Forfeiture, shall be to His Majesty, His Heirs and Successors, and the other Moiety to him or them, who shall inform, discover, or sue for the same.

Limitation of Actions

General Issue.

XI. And be it further enacted, That if any Action or Suit shall be brought or commenced against any Person or Persons for any Thing by him or them done in pursuance of this Act, such Action or Suit shall be commenced within Three Months next after the Matter or Thing done, and shall be laid in the proper County, and the Defendant or Defendants in any such Action or Suit may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon; and if afterwards a Verdict shall pass for the Defendant or Defendants, or the Plaintiff or Plaintiffs shall become nonsuited, or discontinue his, her, or their Action or Prosecution, or Judgment shall be given against him, her, or them upon Demurrer or otherwise, then such Defendant or Defendants shall have Treble Costs awarded to him, her, or them, against such Plaintiff or Plaintiffs.

Treble Costs.

42 GEORGII III. Cap. XVIII.

An Act for continuing the Premiums allowed to Ships employed in, and for enlarging the Limits of the Southern Whale Fishery.

[24*th February*, 1802].

38 Geo. III. c. 57, recited.

WHEREAS it is proper to encourage the Fishery carried on by His Majesty's *European* Subjects in the Seas to the Southward of the *Greenland* Seas and *Davis's Streights* for the Purpose of taking Whales and other Creatures being in those Seas, by continuing certain Premiums granted in an Act passed in the Thirty-eighth Year of His present Majesty's Reign, intituled, *An Act for further encouraging the Southern Whale Fisheries*; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the several Premiums herein-after mentioned shall be paid and allowed to Sixteen Ships or Vessels employed in the said Fishery, under the Limitations, Restrictions, and Regulations contained in the said Act, and also in an Act passed in the Thirty-fifth Year of His present Majesty's Reign, and mentioned in the said Act, and under the Limitations, Restrictions, and Regulations expressed in this present Act.

Premiums to be allowed to 16 Ships.

Premiums and Conditions for 12 Ships.

II. And be it further enacted, That for Twelve of such Ships or Vessels which shall be so fitted and cleared out between the First Day of *January* and the Thirty-first Day of *December* One thousand eight hundred and two, and between the First Day of *January* and the Thirty-first Day of *December* in each of the Three succeeding Years, and shall sail to the Southward of the Equator and there carry on the Fishery, and shall return before the First Day of *December* in the Year subsequent to that in which they cleared out to some Port in *Great Britain*, there

shall be paid and allowed Three hundred Pounds to each of the Four such Ships which shall so sail and first arrive within the Times herein-before-mentioned with the greatest Quantity of Oil or Head Matter, taken together being not less in the Whole than Twenty Tons in each of such Ships or Vessels, and being the Produce of One or more Whale or Whales, or other Creatures being in those Seas, taken and killed by the Crews of every such Ship or Vessel respectively; and there shall be paid Two hundred Pounds to each of the Four such Ships or Vessels which shall in like Manner sail and first arrive with the next greatest Quantity of such Oil or Head Matter, taken together being not less in the Whole than Twenty Tons in every such Ship or Vessel, and being the Produce of any Whale or Whales, or other Creatures being in those Seas so taken as aforesaid; and there shall be paid and allowed One hundred Pounds to each of the Four such Ships or Vessels, and which shall in like Manner sail and first arrive with the next greatest Quantity of such Oil or Head Matter, taken together being not less in the Whole than Twenty Tons in every such Ship or Vessel, and being the Produce of any Whale or Whales, or other Creatures being in those Seas so taken as aforesaid.

Premiums and Conditions for Four Ships.

III. And be it further enacted, That for Four other such Ships or Vessels which shall be so fitted or cleared out, and shall sail within the Times herein-before mentioned, and proceed to the Southward of Thirty-six Degrees of South Latitude, and shall there *bonæ fide* carry on the said Fishery, and shall not return till after the Expiration of Fourteen Calendar Months from the Day on which they cleared out, but before the Thirty-first Day of *December* in the Second Year after their clearing out to some Port in *Great Britain*, there shall be paid and allowed Four hundred Pounds to each of such Ships or Vessels which shall so sail and arrive within the Times herein-before last-mentioned, with the greatest Quantity of Oil and Head Matter, taken together being not less in the Whole than Twenty Tons, and being the Produce of any Whale or Whales or other Creatures being in those Seas, and taken and killed by the Crew of such Ship or Vessel.

Licensed Ships sailing to the Eastward of the *Cape of Good Hope*, may, in certain Latitudes, pass to the Northward.

IV. And whereas it is expedient further to encourage the said Fisheries, by extending the Limits prescribed in the before-mentioned Acts for the said Southern Whale Fisheries, be it further enacted, That it shall and may be lawful for any Ship or Vessel fitting and clearing out and licensed conformably to the first-mentioned Act, and sailing to the Eastward of the *Cape of Good Hope* for the Purpose aforesaid, and having passed beyond One hundred and Twenty-three Degrees of East Longitude from *London*, to sail or pass to the Northward as far as One Degree of Northern Latitude, but no further, to the Northward, until such Ship or Vessel shall have sailed or passed to the Eastward of One hundred and eighty Degrees of East Longitude from *London*; any Thing in the said Acts, or any Law, Usage, or Custom to the contrary notwithstanding.

42 GEORGII III. Cap. XX.

An Act for making perpetual so much of an Act, made in the Nineteenth Year of the Reign of His present Majesty, as relates to the allowing a Drawback of the Duties on Rum shipped as Stores to be consumed on board Merchant Ships on their Voyages; and to continue several Laws relating to the permitting the Exportation of Tobacco Pipe Clay from Great Britain *to the* British *Sugar Colonies in the* West Indies *until the Twenty-fourth Day of* June *One thousand eight hundred and eight; to the giving further Encouragement to the Importation of Naval Stores from the* British *Colonies in* America *until the Twenty-ninth Day of* September *One thousand eight hundred and twelve; to the regulating the Payment of the Duties on Cinnamon, Cloves, Nutmegs, and Mace; to the allowing the Importation of certain Fish from* Newfoundland *and the Coast of* Labrador *until the Twenty-fourth Day of* June *One thousand eight hundred and eight; and to the allowing the Importation and Exportation of Goods from and to*

India *and* China, *in Ships not of* British-*built, during the Continuance of the exclusive Trade to and from the* East Indies, *granted to the* East India *Company by an Act of the Thirty-third Year of His present Majesty's Reign.* [19*th March*, 1802].

(So much thereof as relates to the East India Company.)

53 Geo. III. c. 115, for allowing the Importation of Goods from *India* in Ships not *British*-built, continued during the exclusive Right of the *East India* Company under 33 Geo. III. c. 52.

VI. AND be it further enacted, That an Act made in the Thirty-fifth Year of the Reign of His present Majesty, intituled, *An Act for allowing, for a limited Time, the Importation of Goods from* India *and* China, *and other Parts within the Limits of the exclusive Trade of the* East India *Company, in Ships not of* British *built, nor registered as such; and for the Exportation of Goods from* Great Britain, *by the same Ships, under certain Restrictions*, which was to continue in Force during the Continuance of the present War, and for Eighteen Months after the Conclusion thereof, shall be, and the same is hereby continued during the Continuance of the exclusive Trade to and from the *East Indies*, granted to the United Company of Merchants of *England* trading to the *East Indies* by an Act of the Thirty-third Year of His present Majesty's Reign.

42 GEORGII III. Cap. XXIX.

An Act to authorize the East India *Company to make their Settlement at* Fort Marlborough, *in the* East Indies, *a Factory subordinate to the Presidency of* Fort William *in* Bengal, *and to transfer the Servants who, on the Reduction of that Establishment, shall be Supernumerary, to the Presidency of* Fort Saint George. [24*th March*, 1802.]

WHEREAS the Court of Directors of the United Company of Merchants of *England*, trading to the *East Indies*, have heretofore appointed the Civil Servants at their Settlement of *Fort Marlborough* in the *East Indies* specially for that Settlement, and they have not been considered as belonging to any of the said Company's Presidencies of *Fort William*, *Fort Saint George*, or *Bombay*: And whereas the said Court have determined to make a considerable Reduction in the Establishment of Civil Servants at *Fort Marlborough* aforesaid, and that, in future, that Settlement shall be a Factory only subordinate to the Presidency of *Fort William* aforesaid, and thereby many of the said Civil Servants at *Fort Marlborough* will become Supernumerary; and by reason of the late Increase of Territory subject to the Presidency of *Fort Saint George*, it is expedient that such Supernumerary Servants at *Fort Marlborough* should be transferred to *Fort Saint George*, be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for the Court of Directors of the said United Company, (subject nevertheless to the Superintendance, Direction, and Controul of the Commissioners for the Affairs of *India*, in like Manner as any Acts or Orders of the said Court of Directors are now by Law subject), to order and direct that the said Company's Establishment at *Fort Marlborough* shall be reduced to be a Factory only, subordinate to the Presidency of *Fort William* at *Bengal*, from such Time as they shall see fit to order.

The Court of Directors of the *East India* Company may order that the Establishment at *Fort Marlborough* shall be reduced to a Factory only, &c.;

and in that Case, it shall be subordinate to the Presidency of *Fort William*.

II. And be it further enacted, That in that case the said Settlement of *Fort Marlborough* shall be, and be considered as a Factory only, in all Things subordinate and subject to the Government of the said Presidency of *Fort William*, in like Manner as any other Factory belonging thereto.

Civil Servants becoming Supernumeraries at *Fort Marlborough*, shall be transferred to

III. And be it further enacted, That it shall and may be lawful to and for the said Court of Directors (subject to such Superintendance and Controul as herein-before mentioned), to order and direct that all or any of the Civil Servants of the said Company belonging and subject to the said

said Settlement at *Fort Marlborough* at the Time of the said Reduction of that Establishment, and who are or shall become Supernumerary there, shall be transferred to the said Presidency of *Fort Saint George*, with such Rank and Precedence therein, not above the Rank held by them respectively at *Fort Marlborough* at the Time of their being respectively transferred from that Settlement: Provided always, That all the Senior Merchants, to be removed from the Settlement of *Bencoolen* by the said Court of Directors to the Presidency of *Fort Saint George*, shall be introduced into that Service as the youngest of that Rank, and to continue as fixed Senior Merchants; and that all Servants of the Rank of Junior Merchants, Factors, and Writers, to be removed and come in as the Juniors of their respective Ranks, to rise in the regular Course of the Service till they attain the Rank of Senior Merchants, then to remain fixed as in the Case of the Senior Merchants to be so transferred: Provided always, That all such Servants, if they shall decline to accept of such Appointments, shall be entitled to retire upon the Salary of their respective Ranks, exclusive of the Salary annexed to their Office.

the Presidency of *Fort St. George*.

Regulations as to Rank of Merchants, &c. so transferred,

IV. And be it further enacted, That from and after such Transfers, the Servants so transferred shall take Rank and Precedence, and shall rise in the Presidency of *Fort Saint George* according to the true Intent and Meaning of such Orders and Directions as aforesaid; and they shall be capable of being appointed to fill up, supply, and hold any Offices, Places, or Employments, under the said Presidency of *Fort Saint George*, in like Manner as if they had been originally appointed and had belonged to the said Presidency; any Law or Statute to the contrary thereof in any way notwithstanding.

who shall take Rank and Precedence, as if they had originally belonged to *Fort St. George*:

V. Provided always, and be it further enacted, That such Civil Servants belonging to the said Settlement at *Fort Marlborough*, who shall not be transferred by such Order and Direction as aforesaid to the said Presidency of *Fort Saint George*, shall be capable of holding any Office or Employment belonging to or under the said Factory at *Fort Marlborough* in which they may remain, or to which they may respectively be appointed by, or by the Order of the said Court of Directors, or by the Governor General in Council of *Fort William* aforesaid, in like Manner as if the said Establishment had not been reduced, or this Act had not been made.

But such Civil Servants as shall not be so transferred, shall hold their Offices in *Fort Marlborough*, in same Manner as if it had not been reduced.

VI. And be it further enacted, That this Act shall be, and be deemed and taken to be a public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

Public Act.

42 GEORGII III. Cap. LXXVII.

An Act to permit British-*built Ships to carry on the Fisheries in the* Pacific Ocean, *without Licence from the* East India *Company, or the* South Sea *Company.* [22*d June*, 1802.]

WHEREAS it may tend to increase the Navigation and Fisheries of His Majesty's Subjects if the Restrictions now subsisting with regard to Ships and Vessels navigating in the *Pacific Ocean*, between *Cape Horn* and One hundred and eighty Degrees of West Longitude from *London*, should be removed; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, from and after the passing of this Act, it shall and may be lawful for any *British*-built Ship or Vessel, owned and navigated according to Law, to pass through the Streights of *Magellan* or round *Cape Horn*, and to carry on the Fisheries in the *Pacific Ocean*, from *Cape Horn* to One hundred and eighty Degrees of West Longitude from *London*, and to trade within the said Limits, without having obtained any previous Licence, Permission, or Authority for that Purpose, from the Court of Directors of the *East India* Company, or from the Governor and Company of Merchants of *Great Britain* trading to the *South Seas*, any Thing in any Law, Charter, Usage, or Custom to the contrary in anywise notwithstanding.

British-built Ships may pass through the Streights of *Magellan*, or round *Cape Horn*, and carry on the Fisheries in the *Pacific Ocean*, &c. without Licence from the *East India* Company or the *South Sea* Company.

42 GEORGII III. Cap. LXXXV.

An Act for the trying and punishing in Great Britain *Persons holding public Employments, for Offences committed Abroad; and for extending the Provisions of an Act, passed in the Twenty-first Year of the Reign of King* James, *made for the Ease of Justices and others in pleading in Suits brought against them, to all Persons, either in or out of this Kingdom, authorized to commit to safe Custody.* [22*d June,* 1802.]

WHEREAS Persons holding and exercising public Employments out of *Great Britain* often escape Punishment for Offences committed by them, for Want of Courts having a sufficient Jurisdiction, in or by reason of their departing from the Country or Place where such Offences have been committed, and that such Persons cannot be tried in *Great Britain* for such Offences as the Law now stands, in as much as such Offences cannot be laid to have been committed within the Body of any County: And whereas it is therefore expedient that such and the like Provisions as are contained in an Act passed in the Eleventh and Twelfth Years of the Reign of His late Majesty King *William* the Third, intituled, *An Act to punish Governors of Plantations of this Kingdom for Crimes by them committed in the Plantations*, and in an Act passed in the Thirteenth Year of the Reign of His present Majesty, intituled, *An Act for establishing certain Regulations for the better Management of the Affairs of the* East India *Company, as well in* India as *in* Europe, and in an Act passed in the Twenty-fourth Year of the Reign of His present Majesty, intituled, *An Act for the better Regulation and Management of the Affairs of the* East India *Company, and of the* British *Possessions in* India, *and for establishing a Court of Judicature for the more speedy and effectual Trial of Persons accused of Offences committed in the* East Indies, should be extended and applied to the Punishment of such Offenders: May it therefore please Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, from and after the passing of this Act, if any Person who now is, or heretofore has been, or shall hereafter be employed by or in the Service of His Majesty, His Heirs or Successors, in any Civil or Military Station, Office, or Capacity out of *Great Britain*, or shall heretofore have had, held, or exercised, or now has, holds, or exercises, or shall hereafter have, hold, or exercise any public Station, Office, Capacity, or Employment, out of *Great Britain*, shall have committed, or shall commit, or shall have heretofore been, or is, or shall hereafter be guilty of any Crime, Misdemeanor, or Offence, in the Execution, or under Colour, or in the Exercise of any such Station, Office, Capacity, or Employment as aforesaid, every such Crime, Offence, or Misdemeanor may be prosecuted or enquired of, and heard and determined in His Majesty's Court of King's Bench here in *England*, either upon an Information exhibited by His Majesty's Attorney General, or upon an Indictment found, in which Information or Indictment such Crime, Offence, or Misdemeanor may be laid and charged to have been committed in the County of *Middlesex*, and all such Persons so offending, and also all Persons tried under any of the Provisions of the said recited Act, passed in the Reign of King *William* aforesaid, or this Act, or either of them, for any Offence, Crime, or Misdemeanor, and not having been before tried for the same out of *Great Britain*, shall, on Conviction, be liable to such Punishment as may, by any Law or Laws now in force, or any Act or Acts that may hereafter be passed, be inflicted for any such Crime, Misdemeanor, or Offence committed in *England*, and shall also be liable, at the Discretion of His Majesty's Court of King's Bench, to be adjudged to be incapable of serving His Majesty in any Station, Office, or Capacity, Civil or Military, or of holding or exercising any public Employment whatever.

11 & 12 Gul. 3. c. 12.

13 Geo. 3. c. 63.

24 Geo. 3. c. 25.

Offences committed by Persons employed in any public Service abroad may be prosecuted in the Court of King's Bench in *England*, and may be laid in *Middlesex*, and the Offenders punished as if the Offences had been committed in *England*.

II. And be it further enacted, That in all Cases of Indictments found or Informations exhibited under and by virtue of this Act, it shall be lawful for His Majesty's said Court of King's Bench, upon Motion to be made, and such Notice thereof as to the said Court of King's Bench may appear to be sufficient, by or on Behalf of His Majesty's Attorney General or other Prosecutor, or of the Defendant or Defendants, to award at the Discretion of the said Court, a Writ or Writs of *Mandamus* to any Chief Justice and Judges, or any Chief Justice or other Judge, singly,

The Court of King's Bench, *on Motion*, may award a Writ of *Mandamus* to any Court of Judicature, or the Governor, &c. of the Country where the Offence was committed to obtain Proofs of the Matters charged in the Indictment which shall be done by *viva voce* Evidence, and the same shall be transmitted to the Court of King's Bench, and admitted on the Trial, &c.

singly for the Time being, of any Court or Courts of Judicature in the Country or Island, or near to the Place where the Crime, Offence, or Misdemeanor shall be charged in such Indictment or Information to have been committed, or to any Governor or Lieutenant Governor or other Person having any Chief Authority in such Country, Island, or Place, or to any other Person or Persons residing there, as the Case may require, and as to the said Court of King's Bench may, under all the Circumstances of the Case, seem most expedient for the Purpose of obtaining and receiving Proofs concerning the Matters charged in any such Indictment or Information; and the Person or Persons to whom such Writ or Writs shall be directed and sent, are hereby respectively authorized and required to hold a Court, Session, or Meeting, with all convenient Speed, for the Examination of Witnesses and receiving other Proofs concerning the Matters charged in such Indictment or Information respectively, and in the mean Time to cause public Notice to be given of the holding the said Court, Session, or Meeting, and to issue such Summons or other Process as may be requisite for the Attendance of Witnesses, and to adjourn from Time to Time as Occasion may require; and such Examination or Examinations shall be then and there openly and publicly taken, *viva voce* in the said Court, Session, or Meeting, upon Questions put by any such Prosecutor or Prosecutors, Defendant or Defendants, or any Agent or Agents, Person or Persons on Behalf of the said Attorney General or other Prosecutor or Prosecutors, and Defendant or Defendants respectively, if any such shall attend for that Purpose, and by the Court, Person or Persons to whom such Writ shall be directed and sent as aforesaid, upon the respective Oaths of Witnesses, and the Oaths of skilful Interpreters if necessary, administered according to the Forms of their several Religions, and shall, by some Officer or Person sworn for that Purpose, be reduced into Writing on Parchment or Paper; and in case any Duplicate or Duplicates shall be required by or on Behalf of the Prosecutor, or the Defendant or Defendants respectively, into Two or more Writings on Parchment or Paper, as the Case may require; and such Examination or Examinations shall be sent to His Majesty in His Court of King's Bench closed up, and under the Seal or Seals of the Person or Persons before whom such Examination or Examinations as aforesaid shall have been taken; and the Person or Persons taking such Examination or Examinations as aforesaid shall deliver the same to any Person or Persons appointed by the said Court of King's Bench to receive the same, or shall transmit the same in such Manner as the said Court of King's Bench shall direct; and all such Examinations shall, with all convenient Speed, be delivered to One of the Clerks in Court of His Majesty's Court of King's Bench, in the Crown Office of the said Court, for the safe Custody thereof; and every Clerk in the said Court of King's Bench, to whom any Examination or Examinations shall be delivered, is hereby authorized to administer an Oath to the Person delivering the same to him, in such Form as the said Court of King's Bench shall direct; and such Examination or Examinations shall be allowed and read upon the Trial of any such Indictment, or Information, or any other subsequent Proceeding thereon or relating thereto, and shall be deemed as good and competent Evidence as if the Witness or Witnesses, whose Examination or Examinations shall be so read, had been present, and sworn, and examined, *viva voce*, at such Trial, any Law or Usage to the contrary notwithstanding, saving all just Exceptions to be taken to any such Examination or Examinations or any Part thereof when the same shall be offered to be read as aforesaid; and all Persons concerned shall be entitled to take Copies of such Examinations in the Custody of such Clerk in Court at their own Costs and Charges.

Court of King's Bench may order an Examination *de bene esse*, in Cases where *viva voce* Evidence cannot be had.

III. And be it further enacted, That it shall also be lawful for the said Court of King's Bench upon Motion to be made, and such Notice thereof as aforesaid, by or on Behalf of His Majesty's Attorney General, or other Prosecutor, or Defendant or Defendants in any such Indictment or Information, to order an Examination *de bene esse* of Witnesses upon Interrogatories, in any Case where the *viva voce* Testimony of such Witnesses cannot conveniently be had, to be taken before an Examiner to be appointed by the said Court, and the Depositions taken upon such Interrogatories shall be afterwards admitted to be read in Evidence upon the Trial of such Indictment or Information, or in any other subsequent Proceeding thereon or relating thereto, and shall be deemed good and sufficient Evidence in the Law, saving all just Exceptions to be taken to such Depositions when the same shall be offered to be read as aforesaid.

Persons to whom such Writs of *Mandamus* shall be directed, shall do all Things necessary for the due

IV. And be it further enacted, That it shall be lawful for any Person or Persons to whom any such Writ or Writs of *Mandamus* shall be directed, or Order sent as aforesaid; and in case the same shall be directed or sent to more than One Person, for so many of them as shall for that Purpose be appointed by the said Writ, or required by the said Order, and who shall act in the

Execution thereof by compelling the Appearance and giving Evidence of Witnesses, &c.

Execution thereof; and such Person and Persons is and are hereby respectively authorized and required to administer all Oaths required to be taken under any of the Provisions of this Act, or necessary for the due Execution of any such Writ or Order, or any Act, Matter, or Thing relating thereto, and to examine upon Oath all Persons whom he or they find Occasion to summon, and all other Persons whom he or they shall think fit to examine, touching all Matters and Things necessary for the due Execution of any such Writ or Order as aforesaid; and such Person and Persons respectively, to whom such Writ shall be directed, or Order sent as aforesaid, or so many of them as shall in that Behalf be appointed, and shall act in the Execution thereof as aforesaid, shall have full Power and Authority to compel the Appearance and giving Evidence of any Witness upon any such Writ or Order, and to issue Special Summons or other Process for that Purpose, and may proceed upon such Summons, or other Process, by Imprisonment of the Body of any Person refusing to appear or give Evidence, in like Manner as any Court or Courts of Record within this Kingdom, having competent Authority for that Purpose, may proceed against any Person or Persons for any Contempt committed against the Authority of any such Court.

Persons giving false Evidence shall be subject to the Pains inflicted for Perjury.

V. And be it further enacted, That in case any Person or Persons in the Course of his, her, or their Examination upon Oath, under and by virtue of the said recited Act of the Twenty-fourth Year of His present Majesty, or this Act, shall wilfully and corruptly give false Evidence, such Person or Persons so offending, and being thereof duly convicted, shall be, and is and are hereby declared to be, subject and liable to such Pains and Penalties, as Persons guilty of wilful and corrupt Perjury shall be liable to by any Law or Laws then in force in the Kingdom, Island, or Place where such false Evidence shall have been given as aforesaid.

21 Jac. 1 c. 12.

VI. And whereas it is expedient to extend the Provisions of an Act, passed in the Twenty-first Year of the Reign of His Majesty King *James* the First, intituled, *An Act to enlarge and make perpetual the Act made for Ease in pleading against troublesome and contentious Suits prosecuted against Justices of the Peace, Mayors, Constables, and certain other His Majesty's Officers, for the lawful Execution of their Office, made in the Seventh Year of His Majesty's most happy Reign*, to all Persons who may by Law commit to safe Custody, eitheir in or out of this Kingdom; be it therefore enacted, That, from and after the passing of this Act, the said recited Act, and all the Provisions therein contained shall extend, and be deemed, taken, and construed to extend to all Persons having, holding, or exercising, or being employed in, or who may hereafter have, hold, or exercise, or be employed in any public Employment, or any Office, Station, or Capacity, either Civil or Military, either in or out of this Kingdom; and who under and by virtue, or in pursuance of any Act or Acts of Parliament, Law or Laws, or lawful Authority within this Kingdom, or any Act or Acts, Statute or Statutes, Ordinance or Ordinances, or Law or Laws, or lawful Authority in any Plantation, Island, Colony, or Foreign Possession of His Majesty, now have or may hereafter have, by virtue of any such public Employment, or such Office, Station, or Capacity, Power or Authority to commit Persons to safe Custody; and all such Persons, having such Power or Authority as aforesaid, shall have and be entitled to all the Privileges, Benefits, and Advantages, given by the Provisions of the said Act as fully and effectually, to all Intents and Purposes, as if they had been specially named therein: Provided always, That where any Action, Bill, Plaint, or Suit upon the Case, Trespass, Battery, or false Imprisonment, shall be brought against any such Person as in this Act described as aforesaid, in this Kingdom, for or upon any Act, Matter, or Thing done out of this Kingdom, it shall be lawful for the Plaintiff bringing the same to lay such Act, Matter, or Thing, to have been done in *Westminster*, or in any County where the Person against whom any such Action, Bill, Plaint, or Suit, shall be brought, shall then reside; any Thing in this Act to the contrary thereof notwithstanding.

Recited Act shall extend to Persons having public Employment, and who by Law are empowered to commit Persons to safe Custody.

Where any Action shall be brought for any Thing done out of this Kingdom, it may be laid in *Westminster*, or in any County where the Defendant shall reside.

42 GEORGII III. Cap. CXVII.

An Act for granting to His Majesty certain additional Duties on Goods imported into and exported from Ireland. [28*th June*, 1802.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland* in Parliament assembled, towards raising the necessary Supplies to defray Your Majesty's public Expences, and making a permanent Addition to the public Revenue of *Ireland*, have freely and voluntarily resolved to give and grant unto Your Majesty the several new and additional Duties herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Fifth Day of *July* One thousand eight hundred and two, there shall be raised, levied, collected, and paid unto His Majesty, His Heirs or Successors, upon Goods, Wares, or Merchandize imported or brought into *Ireland* from Parts beyond the Seas, and upon Goods, Wares, or Merchandize exported from *Ireland*, the several new and additional Duties, as the same are respectively inserted, described, and set forth in Figures in the Tables hereunto annexed, marked A. B. and C. except as in this Act is provided.

From *July* 5, 1802. the additional Duties in the annexed Tables A. B. and C. shall be paid.

II. And be it enacted, That the several Duties in the said Tables, marked A. and B. payable on the Importation into *Ireland* of the several Goods, Wares, and Merchandize therein mentioned, shall not, on the Exportation of such Goods, except to *Great Britain*, be drawn back.

The Duties in Tables A. and B. shall not, on Exportation of the Goods, except to *Great Britain*, be drawn back.

III. And be it further enacted, That in all Cases where, by the Table hereunto annexed, marked A. the new and additional Duties by this Act imposed upon the Importation of Goods, Wares, and Merchandize into *Ireland* are charged, not according to the Weight, Tale, Gauge, or Measure, but according to the Value thereof, such Value shall be taken and considered as the same shall be at the Port of Importation without any Abatement or Deduction whatever, except of so much as the Duties payable on the Importation thereof by this or any other Act of Parliament shall amount to, and that such Value shall be ascertained by the Oath of the Importer or Proprietor of such Goods, Wares, or Merchandize, or of his known Agent or Factor, under all the Rules and Regulations, and subject to the same Forfeitures and Penalties as are prescribed, directed, and imposed in such Cases, by an Act passed in the Parliament of *Ireland*, in the Fortieth Year of the Reign of His present Majesty, intituled, *An Act for better regulating, the Collection of His Majesty's Revenue, and for preventing of Frauds therein, and for repealing an Act made in the Thirty-ninth Year of the Reign of His present Majesty, intituled, "An Act for continuing and amending several Laws relating to His Majesty's Revenue, and for the more effectually preventing the Frauds therein, and the several Acts and Statutes which are mentioned, to be continued by the said Act;"* and in Case such Goods, Wares, or Merchandize shall not be valued according to the true and real Value thereof, and according to the true Intent and Meaning of this Act, then it shall be lawful for the proper Officer or Officers of the Customs, to cause the same to be detained, and the said Goods, Wares, or Merchandize shall be dealt with, and the proper Officers of the Customs shall proceed in every Respect in the Manner prescribed in such Case by the said recited Act.

Where, by Table A. the Duties are charged according to Value, such Value shall be taken as at the Port of Importation, deducting Duties, and ascertained according to an *Irish* Act of 40 *Geo.* III. and if not truly valued, the Goods may be detained by the Officers of the Customs.

IV. And be it further enacted, That if upon the Importation of any Goods, Wares, or Merchandize, on which the new and additional Duties hereby imposed, are charged in the Table hereunto annexed, marked A. according to the Value thereof, the Importer or Proprietor of such Goods, Wares, or Merchandize, his known Agent or Factor, shall not be able to make an Entry of such Goods, Wares, or Merchandize, according to the true and real Value thereof, without the same being landed and examined, such Importer, Proprietor, Agent, or Factor, shall, upon making Oath before the Collector or Comptroller of the Customs at the Port of Importation, that he is not enabled to ascertain the true and real Value thereof, in the Manner in this Act prescribed; be at Liberty to make a Deposit, sufficient to secure the new and additional Duties hereby imposed; and the Value of such Goods, Wares, or Merchandize shall, in such Case, as

If the real Value cannot be ascertained without the Goods being landed and examined, a Deposit to secure the new Duties may be made, and when ascertained, the Duties to be paid before Delivery of the Goods;

soon

soon as may be after the Examination thereof, be ascertained by the Oath of such Importer, Proprietor, Agent, or Factor, in the Manner and subject to the Rules, Regulations, Forfeitures, and Penalties in this Act directed, and the said new and additional Duties shall be paid (except as in this Act is provided), before the Delivery of such Goods, Wares, or Merchandize; and if the Value of any such Goods, Wares, or Merchandize imported into *Ireland*, cannot after Examination thereof, be ascertained, so as to enable the Importer or Proprietor thereof, or his known Agent or Factor, to make an Entry according to the real Value thereof, without the said Goods, Wares, or Merchandize being publicly sold, and the same shall be made appear to the Satisfaction of the Commissioners of His Majesty's Customs or any Three or more of them, in *Ireland*, the said Goods, Wares, or Merchandize, after Payment of the Duties charged thereon, by any former Act or Acts of Parliament in force on or immediately before the Fifth Day of *July* One thousand eight hundred and two, shall and may be delivered for the Purpose of being so publicly sold, such deposit being made as aforesaid, and the Entry of such Goods, Wares, or Merchandize shall, in such Case, be completed within Seven Days after such Sale, and the new and additional Duties hereby imposed shall be paid upon the Value thereof, according to the Price at which such Goods, Wares, or Merchandize shall have been so publicly sold, without any Abatement or Deduction whatever, except of so much as the Duties payable on the Importation thereof by this or any other Act of Parliament shall amount to, such Price to be ascertained by the Oath of the Importer or Proprietor of such Goods, Wares, or Merchandize, or of his known Agent or Factor, before the Collector or Comptroller of the Customs at the Port of Importation.

and if their Value cannot be ascertained without being sold, they may be delivered for that Purpose on Payment of the former Duties, &c.

From *July* 5, 1802, no Wine imported since *Jan.* 1, 1802, shall be taken out of any Warehouse where deposited until the additional Duties shall be paid.

V. Provided always, and be it further enacted, That from and after the Fifth Day of *July* One thousand eight hundred and two, no Wine which shall have been imported into *Ireland* since the First Day of *January* One thousand eight hundred and two, shall be taken out of any Warehouse or Place wherein it shall have been deposited and secured under His Majesty's Locks, by virtue of any Act or Acts of Parliament in force, on or immediately before the passing of this Act, for the Purpose of being used or consumed in *Ireland*, unless and until the new and additional Duties imposed by this Act shall have been paid.

Where by Table B. the Duties on Goods imported into *Ireland*, which had been imported into *Great Britain* by the *East India* Company, are charged according to the Value, it shall be ascertained by the Gross Price at the public Sales, &c.

VI. And be it further enacted, That in Cases where by the Table hereunto annexed, marked B. the new and additional Duties hereby imposed on Importation into *Ireland* upon Goods, Wares, and Merchandize, which had been imported into *Great Britain* by the United Company of Merchants of *England* trading to the *East Indies*, are charged not according to the Weight, Tale, Gauge, or Measure, but according to the Value thereof, such Value shall be ascertained by the gross Price at which such Goods, Wares, or Merchandize shall be sold at the public Sales of the said Company; and the said new and additional Duties shall be paid thereon as the same are inserted, described, and set forth in the said Table marked B. the said Price to be inserted in the Cocquets, and to be farther ascertained by Reference to the Sale Books of the *East India* Company, according to the Manner established in *Ireland* for ascertaining the Price of Teas imported into *Ireland*.

Where by Table A. Prize Goods are to be charged according to their Value, it shall be ascertained at the Gross Price at which such Goods shall be publicly sold.

VII. And be it further enacted, That in all Cases where any Goods, Wares, and Merchandize imported or brought into *Ireland*, and condemned as Prize, and on which the new and additional Duties are by this Act imposed, and charged in the Table hereunto annexed marked A., not according to the Weight, Tale, Gauge, or Measure, but according to the Value thereof, such Value shall be ascertained by the Gross Price at which such Goods, Wares, or Merchandize shall be publicly sold, without any Deduction or Abatement whatever.

Duties not to extend to certain Articles.

VIII. Provided always, and be it further enacted, That nothing in this Act shall extend, or be construed to extend, to charge with the new and additional Duties hereby imposed on Goods, Wares, and Merchandize imported into *Ireland*, the following Articles, *videlicet*;

Bullion, or Foreign Coin of Gold or Silver.

Fresh Fish, taken and imported in Ships or Vessels of the Built of the United Kingdom, owned, navigated, and registered according to Law;

Turbots and Lobsters, however taken or imported.

Corn or Grain.

Flax, rough or undressed.

Linseed, or Flax Seed.

Hemp, and Tow of Hemp.

Hemp Seed.

Iron

Iron unwrought.

Ashes of all Kinds, including Barilla.

Smalts.

Salt.

Oak Bark.

Sugar.

Cinnamon, Cloves, Mace, and Nutmegs; and Furs and Skins of the Produce of and imported from any *British* Colony or Plantation in *America*.

Sheep's Wool.

Spanish Wool.

Raw Linen Yarn made of Flax.

Tobacco, Coffee, Cocoa Nuts, or Rice, imported and warehoused, unless and until such Tobacco, Coffee, Cocoa Nuts, or Rice, shall be taken out of such Warehouse for the Purpose of being used or consumed in *Ireland*; in which Case the said new and additional Duties shall be paid to the proper Officer of the Customs, before such Tobacco, Coffee, Cocoa Nuts, or Rice, shall be delivered out of such Warehouse for the Purpose of being so used or consumed.

Goods, Wares, or Merchandize of the Growth, Produce, or Manufacture of *Great Britain*, imported directly from thence into *Ireland*.

Goods, Wares, or Merchandize imported into *Ireland*, having been imported into *Great Britain* from *Hudson's Bay* by the *Hudson's Bay* Company.

Goods, Wares, or Merchandize of the Growth, Produce, or Manufacture of the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, imported into *Ireland* directly from the said Islands respectively, in case such Goods, Wares, or Merchandize were allowed by any Act or Acts of Parliament in force on or immediately before the passing of this Act, to be imported without the Payment of any Duty, except such Duty as is now or shall hereafter, for the Time being, be due and payable for the like Goods, of the Growth, Produce, or Manufacture of *Ireland*; subject, nevertheless, to all the Rules, Regulations, Restrictions, Penalties, and Forfeitures, to which the same are liable when imported from the said Islands without Payment of the Customs or other Duties as aforesaid, under the Authority of any Act or Acts of Parliament in force on or immediately before the passing of this Act.

Goods, Wares, or Merchandize, being of the Growth and Produce of any Foreign Colony, Island, or Plantation in *America*, and imported into *Ireland* directly from any such Colony, Island, or Plantation in any *British* or *Irish* built Ship or Vessel, owned, navigated, and registered according to Law, or in any Ship or Vessel belonging to any of the Subjects of the United States of *America*, or of any other Country or Place in Amity with His Majesty; provided such Goods, Wares, and Merchandize shall be permitted to be landed and warehoused in *Ireland*, by virtue of and under the Authority of any Order or Orders of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* in Council: Provided also, that in case any such Goods, Wares, or Merchandize shall be taken out of any such Warehouse, for the Purpose of being used or consumed in *Ireland*, the said new and additional Duties shall be paid to the Collector of the Port, before any such Goods, Wares, or Merchandize shall be delivered out of any such Warehouse for the Purpose of being so used or consumed.

Articles of Provision which shall be permitted to be entered and landed in *Ireland* without Payment of any Duty, by virtue and under the Authority of any Order or Orders of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*.

Importers of the Produce of the *Newfoundland* Fishery, directly from *Newfoundland*, may give Bond in Treble the supposed Duty, that it shall be exported, or that the additional Duties shall be paid in a Year.

IX. Provided also, and be it further enacted, That it shall and may be lawful for the Importer, Proprietor, or Consignee of any Fish, Oil, Blubber, Seal Skins, or other Produce of the *British Newfoundland* Fishery, imported into *Ireland* directly from the Island of *Newfoundland*, to give Bond to His Majesty, His Heirs and Successors, with One sufficient Surety, in the Penalty of Treble the Amount of the supposed or estimated Duty on such Fish, Oil, or other Produce as aforesaid, with Condition that such Fish, Oil, or other Produce of the said Fishery shall be duly exported from *Ireland*, or that the new and additional Duties by this Act imposed on the Importation thereof, shall be paid within Twelve Calendar Months from the Date of such Bond;

which Bond shall be taken by the Collector of Import Duties at the Port of Importation, who is hereby authorized and required to take such Bond.

Where by Table C. the Duties on the Exportation of Goods are charged according to the Value, it shall be taken as at the Port of Exportation, deducting the Duties, and if not truly valued, they may be detained by the Officers of the Customs.

X. And be it further enacted, That in all Cases where, by the Table hereunto annexed marked C., the new and additional Duties by this Act imposed upon the Exportation of Goods, Wares, and Merchandize from *Ireland* are charged, not according to the Weight, Tale, Gauge, or Measure, but according to the Value thereof, such Value shall be taken and considered as the same shall be at the Port of Exportation, without any Deduction or Abatement whatever, except of so much as the Duties paid or payable by this or any other Act of Parliament, on any such Goods, Wares, or Merchandize shall amount to; and that such Value shall be ascertained, (except as in this Act is provided), by the Oath of the Exporter or Proprietor of such Goods, Wares, and Merchandize, or of his known Agent or Factor, in the Manner and Form, and under all the Rules and Regulations and subject to the same Forfeitures and Penalties as are prescribed, directed, and imposed for ascertaining and collecting the Duties to be paid, according to the Value thereof, by the said recited Act passed in the Fortieth Year of the Reign of His present Majesty; and in case such Goods, Wares, or Merchandize shall not be valued according to the true Intent and Meaning of this Act, then it shall be lawful for the proper Officer or Officers of the Customs to cause the same to be detained, and such Goods, Wares, or Merchandize shall be dealt with, and the proper Officers of the Customs shall proceed in every Respect in the Manner prescribed in such Case by the said recited Act.

Additional Duties shall not be charged on certain Articles exported.

XI. Provided always, and be it further enacted, That nothing in this Act shall extend, or be construed to extend, to charge with the new and additional Duties hereby imposed on Goods, Wares, and Merchandize exported from *Ireland*, the following Articles; that is to say,

Bullion.

Goods, Wares, or Merchandize exported from *Ireland* to *Great Britain*.

Goods, Wares, or Merchandize exported to *Hudson's Bay* by the *Hudson's Bay* Company.

Goods, Wares, or Merchandize exported from *Ireland* to the *Isle of Man* which may legally be exported to the said Island.

Cotton Yarn or other Cotton Manufactures being of the Manufacture of *Ireland*.

Corn or Grain.

Refined Sugar, or Loaf complete and whole, or Lump duly refined, and all Refined Sugar, called *Bastard*, and *ground* or *powdered Sugar*, and Refined Sugar broken in Pieces, and all Sugar called *Candy*, and *Melasses*, made from Sugar of the *British* Plantations.

Any Sort of Craft, Food, Victuals, Cloathing, or other Goods fit and necessary for the *British* Fishery established in the Island of *Newfoundland*, or for the Use and Support of the Mariners or other Persons employed on board the Vessel, or on Shore in carrying on the said Fishery, exported from *Ireland* to the said Island.

Fees not to be taken for any additional Entry on Account of new Duties.

XII. Provided always, and be it further enacted, That the Fees due and payable by Law, at and immediately before the Fifth Day of *July* One thousand eight hundred and two, upon any Entry or Cocquet, Inwards or Outwards, shall not be demanded or taken by or for the Use of any Officer of His Majesty's Revenue, for any additional Entry necessary to be made on Account of the new Duties imposed by this Act.

Bonds not chargeable with Stamp Duty.

XIII. Provided also, and be it further enacted, That no Bond to be taken in pursuance of this Act, shall be chargeable with any of the Duties upon stamped Vellum, Parchment, or Paper; any Law or Statute to the contrary notwithstanding.

The Commissioners of the Customs may order Entry to be amended of Goods detained on account of not being duly valued, upon such Terms as they think fit, and if accepted, the Proprietor shall not be entitled to Damages.

XIV. And be it further enacted, That in case any Goods, Wares, or Merchandize, upon which the said new and additional Duties are hereby imposed, shall be detained by any Officer of the Revenue, on Account of the same not being valued according to the true and real Value thereof and according to the true Intent and Meaning of this Act, it shall and may be lawful for the Commissioners of His Majesty's Customs in *Ireland*, for the Time being, or any Three or more of them, upon Proof being made to their Satisfaction, that no Fraud was intended, to direct the Entry to be amended upon such Terms and Conditions, as under the Circumstances of the Case shall appear to the said Commissioners to be reasonable, and as they shall think fit to direct: Provided always, that if the Importer, Exporter, or Proprietor of such Goods, Wares, or Merchandize, shall accept the Terms or Conditions prescribed by the said Commissioners, such Importer, Exporter, or Proprietor, shall not have or be entitled to any Recompense or Damage, on Account of the Detention of such Goods, Wares, or Merchandize, or have or maintain any Action whatever for the same; any Law, Custom, or Usage to the contrary notwithstanding.

Money arising by the Duties shall be carried to the Consolidated Fund of *Ireland*.

XV. And be it enacted, That all Monies arising by the new and additional Duties imposed by this Act (the necessary Charges of raising and accounting for the same being deducted) shall be carried to and made Part of the Consolidated Fund of *Ireland*.

Additional Duties how to be managed, &c.

XVI. And be it enacted, That the new and additional Duties hereby imposed, shall and may be managed, ascertained, raised, levied, collected, answered, paid, secured, and recovered, in such and the like Manner, under the like Powers and Authorities, and in and by any and either of the Ways, Means, or Methods (except as to bonding the said Duties, or any Discount for prompt Payment thereof) by which any of the Duties on Goods, Wares, or Merchandize imposed, and payable by Two several Acts, made in the Parliament of *Ireland* in the Fourteenth and Fifteenth Years of the Reign of His late Majesty King *Charles* the Second, the one intituled, *An Act for settling the Subsidy of Poundage and granting a Subsidy of Tonnage and other Sums of Money unto His Royal Majesty, His Heirs and Successors, the same to be paid upon Merchandizes imported and exported into and out of the Kingdom of* Ireland, *according to the Book of Rates hereunto annexed*; and the other intituled, *An Act for the settling of the Excise or new Impost upon His Majesty, His Heirs and Successors, according to the Book of Rates therein inserted*, or by any other Act or Acts of Parliament relating to His Majesty's Revenue in force in *Ireland*, were or might be managed, ascertained, raised, levied, collected, answered, paid, secured, and recovered; and the Goods, Wares, or Merchandize, so by this Act made chargeable with the said new and additional Duties, shall be and the same are hereby made subject and liable to all and every the Conditions, Regulations, Rules, Restrictions, Penalties, and Forfeitures, to which any Goods, Wares, or Merchandize, upon which any Duties are imposed and payable were subject and liable by any Act or Acts of Parliament in force on or immediately before the passing of this Act; and all and every Pain, Penalty, Fine, or Forfeiture for any Offence whatever committed against or in Breach of any Act or Acts of Parliament now in force in *Ireland*, made for securing any Duties payable on the Importation or Exportation of Goods, Wares, or Merchandize, or for the Regulation or Improvement thereof, and the several Clauses, Powers and Directions therein contained, shall, and are hereby directed and declared to extend to, and shall be respectively applied, practised, and put in Execution for and in respect of the new and additional Duties hereby charged, as far as the same are applicable thereto, in as full and ample a Manner, to all Intents and Purposes whatever, as if all and every the said Acts, Clauses, Provisions, Powers, Directions, Pains, Penalties, and Forfeitures, were particularly repeated and re-enacted in this Act, with the like Remedy of Appeal to and for the Party or Parties aggrieved as is by the said Acts or any of them provided; and all Penalties and Forfeitures by this Act created shall be sued for, recovered, and applied in like Manner.

Act may be varied or repealed this Session.

XVII. And be it further enacted, That this Act may be varied, altered, or repealed by any Act or Acts to be made in this present Session of Parliament.

TABLES to which this Act refers.

TABLE A.

A Table of new and additional Duties payable on the Goods, Wares, and Merchandize therein enumerated or described, imported into *Ireland*, not having been imported into *Great Britain* by the United Company of Merchants of *England* trading to the *East Indies*.

INWARDS.	Duty. £.	s.	d.
Adiunthum Nigrum, the Hundred Pounds — —	0	3	3
Agaric, the Pound — — — —	0	0	2
Alkanet Root, the Hundred Pounds — —	0	1	3
Alkermes Syrup, the Pound — — —	0	0	2
Almonds, *viz.*			
——— Bitter Almonds, the Hundred Weight —	0	2	3
——— Jordan Almonds, the Hundred Weight —	0	7	0
——— of any other Sorts, the Hundred Weight —	0	3	0
Aloes, *viz.*			
——— Epatica, the Hundred Pounds — —	0	3	8

Aloes,

INWARDS.	£.	s.	d.
Aloes, Succotrina, the Hundred Pounds	0	4	10
Alum, the Hundred Weight	0	2	6
Alum, *viz.* Roch Alum, the Hundred Weight	0	1	1
Amber, Rough, the Hundred Pounds	0	7	0
Anacardium, the Hundred Pounds	0	1	0
Anchor Stocks. See Wood.			
Anchovies, the Barrel, containing 16 Pounds of Fish	0	1	6
Angelica Root, the Hundred Pounds	0	1	10
Annotto, the Hundred Pounds	1	1	8
Antimonium, *viz.*			
——— Crudum, the Hundred Weight	0	1	6
——— Preparatum, the Hundred Pounds	0	4	6
Apples, the Bushel	0	0	3
——— Dried, the Bushel	0	0	6
Aqua Fortis, the Hundred Weight	0	3	3
Argol, the Hundred Weight	0	2	3
Aristolochia, the Hundred Pounds	0	3	6
Arrow Root, the Hundred Pounds	0	9	0
Arsenic, the Hundred Weight	0	2	3
Asarum Root, the Hundred Pounds	0	4	6
Asphaltus, the Hundred Pounds	0	10	0
Assafœtida, the Hundred Pounds	0	5	6
Balls, *viz.* Washing Balls, the Hundred Pounds	0	4	5
Balks. See Wood.			
Balsam, *viz.*			
——— Artificial Balsam, the Pound	0	0	3
——— Canada Balsam, the Pound	0	0	2
——— Copaivæ, the Pound	0	0	4
——— Natural Balsam, the Pound	0	0	1
Bark, *viz.*			
——— Cortex Peruvianus, or Jesuit's Bark, the Hundred Pounds	0	10	0
Basket Rods, the Bundle, not exceeding Three Feet in Circumference at the Band	0	0	2
Baskets, *viz.* Hand Baskets, the Dozen	0	0	3
Battens. See Wood.			
Bayberries, the Hundred Weight	0	1	0
Beads, *viz.*			
——— Amber Beads, the Pound	0	1	1
——— Coral Beads, the Pound	0	4	6
Beech Quarters. See Wood.			
Beer or Ale, the Barrel of 32 Gallons	0	1	2
Beer, *viz.* Spruce Beer, the Barrel of 32 Gallons	0	3	4
Bees Wax. See Wax.			
Bell Metal, the Hundred Weight	0	3	9
Birds, *viz.* Singing Birds, the Dozen	0	1	6
Blacking, the Hundred Weight	0	2	3
Blubber. See Oil			
Boards. See Wood.			
Bonnets. See Hats.			
Books, *viz.*			
——— Bound Books, the Hundred Weight	0	11	4
——— Unbound Books, the Hundred Weight	0	5	8
Botargo, the Pound	0	0	2
Bottles, *viz.*			
——— Glass Bottles, the Dozen Quarts	0	0	2
——— Stone Bottles, the Dozen Quarts	0	0	6
Boxwood. See Wood			
Boxes, *viz.*			

INWARDS.	£.	s.	d.
——— Nest Boxes, the Gross, containing 12 Dozen Nests, each Nest containing 8 Boxes	0	2	3
——— Pill Boxes, the Gross, containing 12 Dozen Nests, each Nest containing 4 Boxes	0	1	6
——— Sand Boxes, the Gross, containing 12 Dozen Boxes	0	0	5
Brandy. See Spirits			
Brazil Wood. See Wood.			
Brazilletto Wood. See Wood.			
Brimstone, the Hundred Weight	0	1	0
Bristles, *viz.*			
——— dressed, the Dozen Pounds	0	3	8
——— rough, or undressed, the Dozen Pounds	0	0	6
Brooms, *viz.* Whisk Brooms the Dozen	0	0	3
Bugle, *viz.*			
——— Great Bugle, the Hundred Pounds	0	8	4
——— Small Bugle, the Hundred Pounds	0	10	6
Bullrushes, the Load, containing 63 Bundles	0	2	4
Burrs for Millstones, the Hundred	0	19	6
Cables, tarred or untarred, the Hundred Weight	0	2	4
Cam Wood. See Wood.			
Cambogium, or Guttu Gambia, the Hundred Pounds	0	10	10
Camphire, *viz.*			
——— refined, the Pound	0	0	2
——— unrefined, the Pound	0	0	2
Candles, *viz.*			
——— Tallow Candles, the Hundred Weight	0	2	1
——— Wax Candles, the Hundred Pounds	0	10	0
Canes, *viz.* Reed Canes, the Thousand	0	4	3
Cantharides, the Pound	0	0	9
Capers, the Hundred Pounds	0	4	2
Cardemoms, the Hundred Pounds	0	10	0
Carpets, *viz.*			
——— Turkey Carpets, containing 4 Yards square, or upwards, the Carpet	0	6	8
——— containing less than 4 Yards square, the Carpet	0	5	0
Carrabe, the Pound	0	0	1
Casks, empty, the Ton	0	0	10
Cassia, *viz.*			
——— Fistula, the Hundred Weight	0	1	8
——— Lignea, the Hundred Pounds	0	10	0
Castoreum, the Pound	0	0	3
Caviar, the Hundred Weight	0	2	4
Cheese, the Hundred Weight	0	1	0
Cherries, the Hundred Weight	0	3	4
Cider, the Ton, containing 252 Gallons	0	11	0
Cochineal, the Pound	0	0	10
Cocoa Nuts, the Hundred Weight	0	3	4
Coculus Indiæ, the Pound	0	0	2
Coffee, the Hundred Weight	0	4	0
Coloquintida, the Pound	0	0	2
Colours for Painters, the Pound	0	0	2
Comfits, the Pound	0	1	0
Copper, *viz.*			
——— Ore, the Hundred Weight	0	0	8
——— Part wrought, the Hundred Weight	0	11	0
——— unwrought, the Hundred Weight	0	4	3
——— Wire. See Wire.			

INWARDS.	£.	s.	d.
Copperas, *viz.*			
——— Green, the Hundred Weight — — —	0	0	3
——— White, the Hundred Weight — —	0	1	10
Coral, *viz.*			
——— in Fragments, the Pound — — —	0	0	2
——— Whole, polished, the Pound — —	0	3	6
——— Whole, unpolished, the Pound — —	0	1	9
Cordage, the Ton, containing Twenty Hundred Weight	1	6	0
Cork, the Hundred Weight — — — —	0	0	9
Corks, ready made, the Gross, containing 12 Dozen	0	0	1
Cortex, *viz.*			
——— Elatheriæ, the Hundred Weight — —	0	1	6
——— Limonum, the Hundred Pounds — — —	0	1	3
——— Simarouba, the Pound — — —	0	0	2
——— Winteranus, the Hundred Pounds — —	0	6	0
Cotton Wool. See Wool.			
Cotton Yarn. See Yarn.			
Cowitch, the Pound — — — —	0	0	1
Cream of Tartar, the Hundred Weight — — —	0	4	0
Crystal in broken Pieces for physical Uses, the Pound	0	0	2
Currants, the Hundred Weight — — —	0	1	6
Dates, the Hundred Weight — — — —	0	4	4
Daucus Creticus, the Pound — — —	0	0	2
Deals. See Wood.			
Diptamus Leaves, the Pound — — —	0	0	2
Down, the Hundred Pounds — — —	0	7	10
Earthen Ware, *viz.*			
——— Brickstones, the Thousand — —	0	0	8
——— Galley Tiles, the Hundred Feet — —	0	1	0
——— Pantiles, the Thousand — — —	0	2	10
——— Paving Tiles, the Thousand — —	0	3	0
Ebony. See Wood.			
Eels, the Ship Load — — — — —	2	17	8
Eleborus, the Hundred Pounds — — —	0	2	1
Elephant's Teeth, the Hundred Weight — —	0	18	0
Essence of Lemons, the Pound — — —	0	0	3
Euphorbium, the Hundred Pounds — —	0	2	0
Feathers, *viz.*			
——— Ostrich Feathers dressed, the Pound —	1	2	0
——— Ostrich Feathers undressed, the Pound —	0	3	7
——— for Beds, the Hundred Weight — —	0	6	5
Fenugreek, the Hundred Weight — — —	0	0	10
Figs, the Hundred Weight — — —	0	2	3
Fir Quarters. See Wood.			
Fire Wood. See Wood.			
Flores Chamœmeli, the Hundred Pounds — —	0	3	4
Frankincense, the Hundred Weight — —	0	1	0
Furrier's Waste, the Hundred Weight — —	0	6	9
Fustic. See Wood.			
Galbanum, the Pound — — — —	0	0	2
Galls, the Hundred Weight — — —	0	5	0
Geneva. See Spirits.			
Gentian, the Hundred Pounds — — —	0	2	2
Ginger, the Hundred Weight — — —	0	1	10
Ginger Green, the Pound — — —	0	0	2
Ginsang, the Hundred Pounds — — —	0	6	0
Glass broken, the Hundred Weight — —	0	0	4
Glover's Clippings, the Hundred Weight — —	0	1	6

Glue,

INWARDS.	£.	s.	d.
Glue, the Hundred Weight — — —	0	2	0
Guinea Grains, the Hundred Pounds — — —	0	2	2
Guinea Pepper, the Hundred Pounds — — —	0	2	4
Gum, *viz.*			
——— Animi, the Hundred Pounds — — —	0	5	6
——— Arabic, the Hundred Weight — — —	0	3	8
——— Armoniac, the Hundred Weight — — —	0	13	0
——— Copal, the Hundred Pounds — — —	0	9	0
——— Elemi, the Hundred Pounds — — —	0	9	0
——— Guiaci, the Hundred Pounds — — —	0	8	4
——— Opoponax, the Pound — — —	0	0	5
——— Sandrake, the Hundred Weight — — —	0	2	10
——— Senega, the Hundred Weight — — —	0	5	10
——— Tragaganth, the Pound — — —	0	0	2
Hair, *viz.*			
——— Cow or Ox Hair, the Hundred Weight —	0	1	10
——— Goats Hair, the Pound, — —	0	0	2
——— Horse Hair, the Hundred Pounds — —	0	10	0
——— Human Hair, the Pound — —	0	0	3
Handspikes. See Wood.			
Hartshorns, the Hundred — — —	0	5	2
Hats, *viz.*			
——— Bast or Straw Hats or Bonnets, the Dozen —	0	0	4
——— Chip, Cane, or Horse Hair, Hats or Bonnets, the Dozen	0	0	4
Hermodactylus, the Pound — — —	0	0	1
Hides, *viz.*			
——— Cow or Ox Hides in the Hair, the Piece —	0	0	6
——— Horse Hides in the Hair, the Piece — —	0	0	6
——— Indian Hides undressed, the Piece — —	0	0	5
——— Losh Hides, the Hundred Pounds — —	0	10	0
——— Muscovy or Russia Hides tanned, the Pound	0	0	1
Hones, the Hundred — — — —	0	2	0
Honey, the Barrel, containing 42 Gallons — —	0	11	0
Hoops for Coopers. See Wood.			
Horn Tips, the Hundred — — — —	0	0	6
Horns of Cows or Oxen, the Hundred — — —	0	1	4
Horses, Mares, or Geldings, each — — —	0	11	0
Incle, *viz.*			
——— Unwrought, or Short Spinnel, the Pound —	0	0	1
——— Wrought, the Dozen Pounds — — —	0	3	8
Indigo, *viz.*			
——— Of the Produce of any *British* Colony or Plantation, the Hundred Pounds — —	0	18	0
——— Of the Produce of any Part of the United States of *America*, the Hundred Pounds — —	0	12	0
——— Of the Produce of any other Country or Place, the Hundred Pounds — — —	1	7	0
Ink for Printers, the Hundred Weight — — —	0	2	10
Ireos, the Hundred Weight — — —	0	1	6
Isinglass, the Hundred Pounds — — —	0	7	0
Juice of Lemons, the Ton, containing 252 Gallons	0	15	6
Juice of Limes, the Gallon — — —	0	0	2
Juniper Berries, the Hundred Weight — —	0	1	0
Kelp, the Ton, containing Twenty Hundred Weight	0	4	6
Knees of Oak. See Wood.			
Lace, *viz.* Bone Lace of Thread, the Dozen Yards —	0	14	0
Lampblack, the Hundred Weight — — —	0	2	6
Lathwood. See Wood.			

Latten,

INWARDS.	£.	s.	d.
Latten, *viz.* Shaven Latten, the Hundred Weight —	0	6	0
Lavender Flowers, the Hundred Pounds — —	0	1	8
Lead, *viz.*			
—— Black Lead, the Hundred Weight — —	0	0	9
—— Red Lead, the Hundred Weight — —	0	1	0
—— White Lead, the Hundred Weight — —	0	1	3
Leaves of Roses, the Hundred Pounds — —	0	3	0
Lemons, the Thousand — — —	0	3	10
Lignum Vitæ. See Wood.			
Linen, *viz.*			
—— Cambricks and *French* Lawns, the Half Piece, containing Six Ells and a Half — —	0	1	8
—— Canvas, *viz.*			
—— *Hessens* Canvas or *Dutch* Barras the 120 Ells	0	2	9
—— Packing Canvas, Guttings, Spruce, *Elbing*, or *Queensborough* Canvas, the 120 Ells —	0	1	10
—— Damask Napkining, of *Silesia* making, the Yard	0	0	2
—— Tabling, of *Silesia* making, the Yard	0	0	4
—— Napkining, of the Manufacture of *France* or *Holland*, the Yard — —	0	0	2
—— Tabling, of the Manufacture of *France* or *Holland*, the Yard — —	0	0	3
—— Diaper Napkining, of *Silesia* making, the Yard	0	0	1
—— of the Manufacture of *Holland*, the Yard — —	0	0	1
—— Tabling, of *Silesia* making, the Yard	0	0	3
—— Drillings and Pack Ducks, the 120 Ells —	0	6	0
—— *Flanders* and *Holland* Linen, plain, not exceeding One Ell ¼ in Breadth, the 120 Ells — —	0	17	4
—— *German*, *Switzerland*, East Country (except *Russia*), and *Silesia*, Cloth, plain, *viz.*			
—— not above 31½ Inches in Breadth, the 120 Ells — —	0	3	8
—— above 31½ Inches in Breadth, and not exceeding 36 Inches, the 120 Ells	0	8	0
—— above 36 Inches in Breadth, the 120 Ells	0	12	4
—— *Hinderlands* brown, under 22½ Inches in Breadth, the 120 Ells — — —	0	2	4
—— Lawns, *viz.*			
—— *Silesia*, and all other Lawns plain (except *French* Lawns) not bleached in *Holland*, the Piece not exceeding 8 Yards in Length —	0	0	5
—— *Silesia*, and all other Lawns plain (except *French* Lawns) bleached in *Holland*, the Piece not exceeding 8 Yards in Length —	0	0	7
—— *Russia* Linen plain, *viz.*			
—— Towelling and Napkining of the Manufacture of *Russia*, not exceeding 22½ Inches in Breadth the 120 Ells — —	0	2	3
—— Narrow *Russia* Linen, not otherwise enumerated, not exceeding 22½ Inches in Breadth, the 120 Ells — — —	0	1	8
—— Linen Cloth and Diaper of *Russia*, exceeding 22½ Inches in Breadth, and not exceeding 31½ Inches, the 120 Ells — —	0	4	4
—— Linen Cloth and Diaper of *Russia*, exceeding 31½ Inches in Breadth, and not exceeding 36 Inches, the 120 Ells — —	0	6	2

Linen,

INWARDS.	£.	s.	d.
Linen, *Russia* Linen Cloth and Diaper of *Russia*, exceeding 36 Inches in Breadth, and not exceeding 45 Inches the 120 Ells — —	0	7	6
—— Linen Cloth and Diaper of *Russia*, exceeding 45 Inches in Breadth, the 120 Ells —	0	13	0
—— Sail Cloth, the 120 Ells — —	0	7	2
Liquorice Root, the Hundred Weight — —	0	2	8
Logwood. See Wood.			
Lupines, the Hundred Weight — — —	0	0	6
Lutestrings or Catlings, the Gross, containing 12 Dozen Knots	0	0	9
Madder, *viz.*			
—— Mull Madder, the Hundred Weight —	0	0	4
—— Madder of any other Sort, the Hundred Weight	0	2	8
—— Madder Roots, the Hundred Weight —	0	2	9
Mahogany. See Wood.			
Manna, the Hundred Pounds — — —	0	7	0
Maps, each — — — — —	0	0	1
Marmelade, the Pound — — — —	0	0	2
Mastic White, the Hundred Pounds — —	0	11	0
Masts. See Wood.			
Mats of *Russia*, the Hundred — —	0	2	3
Matting, the Yard — — —	0	0	1
Melasses, the Hundred Weight — — —	0	1	3
Mercury Sublimate, the Pound — —	0	0	3
Metal, *viz.* Leaf Metal, the Hundred Packets	0	2	0
Morels, the Pound — — — —	0	0	3
Moss, *viz.* Rock Moss, the Ton, containing 20 Hundred Weight — — — —	0	15	10
Mum, the Barrel, containing 32 Gallons —	0	2	10
Myrrh, the Hundred Pounds — — —	0	9	0
Necklaces of Glass, the Gross, containing 12 Bundles, or Dickers, each Bundle or Dicker containing 12 Necklaces	0	1	6
Nicaragua Wood. See Wood.			
Nuts, *viz.*			
—— Chesnuts, the Bushel — — —	0	0	4
—— Small Nuts, the Bushel — —	0	0	7
Oaker, the Bushel — — —	0	0	5
Oakham, the Hundred Weight — —	0	0	6
Oak Plank. See Wood.			
Oars. See Wood.			
Oil, *viz.*			
—— Oil of Almonds, the Hundred Pounds —	0	3	0
—— Anniseed, the Pound — —	0	0	7
—— Bay, the Hundred Weight — —	0	5	10
—— Carraway, the Pound — —	0	0	3
—— Castor Oil, the Gallon — —	0	0	9
—— Chemical Oil, not otherwise enumerated, the Pound	0	0	4
—— Oil of Cinnamon, the Pound — —	0	1	0
—— Cloves, the Pound — —	0	2	0
—— Hemp Seed, the Ton, containing 252 Gallons	1	6	0
—— Juniper, the Hundred Pounds —	0	10	0
—— Linseed, the Ton, containing 252 Gallons	1	19	0
—— Nutmegs, the Pound — —	0	3	0
—— Ordinary Oil of Olives, the Ton, containing 252 Gallons — — —	2	4	8
—— Oil of Origanum, the Hundred Pounds —	1	0	0
—— Palm, the Hundred Weight —	0	1	4

INWARDS.	£.	s.	d.
Oil, Perfumed Oil, not otherwise enumerated, the Pound	0	0	4
—— Oil of Petroleum, the Pound	0	0	1
—— Rhodium, the Pound	0	6	0
—— Rosemary, the Pound	0	0	2
—— Sallad Oil, the Hundred Gallons	1	1	8
—— Spermaceti Oil, the Ton, containing 252 Gallons	2	3	6
—— Oil of Spike, the Pound	0	0	2
—— Thyme, the Pound	0	0	2
—— Turpentine, the Hundred Pounds	0	1	6
—— Vitriol, the Hundred Pounds	0	1	10
—— Train Oil or Blubber, *viz.*			
—— Blubber of *Newfoundland*, the Ton, containing 252 Gallons	0	4	3
—— Blubber, not of *Newfoundland*, the Ton, containing 252 Gallons	0	11	3
—— Train Oil, Fish Oil, or Oil of Seals, or other Creatures living in the Seas, not otherwise enumerated or described, the Ton, containing 252 Gallons	0	16	10
Olibanum, or Incense, the Hundred Weight	0	2	3
Olives, the Hogshead, containing 63 Gallons	1	0	4
Onions, the Bushel	0	0	3
Opium, the Pound	0	0	6
Oranges, the Thousand	0	4	4
Orange Flower Water, the Gallon	0	0	4
Orchella, the Hundred Weight	0	5	0
Orpiment, the Hundred Weight	0	7	3
Orsedew, the Dozen Pounds	0	1	10
Pearl Barley, or Barley hulled, the Hundred Weight	0	0	9
Pears, the Bushel	0	1	2
—— dried, the Bushel	0	0	4
Pepper, *viz.* Long Pepper, the Hundred Pounds	0	4	0
Pickles, the Gallon	0	0	3
Pictures, *viz.*			
—— of Four Feet Square, or upwards, the Picture	2	8	0
—— of Two Feet Square, and under Four Feet Square, the Picture	1	12	0
—— under Two Feet Square, the Picture	0	16	0
Pimento, the Hundred Pounds	0	2	2
Pistachia Nuts, the Hundred Pounds	0	2	0
Pitch, the Last of 12 Barrels, each Barrel containing 31 Gallons and a half	0	3	8
Pix Burgundiæ, the Hundred Weight	0	0	9
Plaster of Paris, the Hundred Pounds	0	0	1
Plate, *viz.*			
—— of Gold, wrought, the Ounce Troy	0	5	10
—— of Silver, ungilt, the Ounce Troy	0	0	3
—— of Silver, part gilt, the Ounce Troy	0	0	4
—— of Silver, gilt, the Ounce Troy	0	0	5
Platters. See Wood.			
Plumbs, dried, the Hundred Pounds	0	6	0
Polypodium, the Pound	0	0	1
Pomegranate Peels, the Hundred Weight	0	3	6
Pomegranates, the Thousand	0	8	4
Pots, *viz.* Melting Pots for Goldsmiths, the Hundred	0	1	2
Powder of Brass for Japanning, the Pound	0	0	3
Powder, *viz.* Hair Powder, the Hundred Weight	0	4	3
Prints, *viz.* Paper Prints, the Piece	0	0	3

Prunelloes,

INWARDS.	£.	s.	d.
Prunelloes, the Pound	0	0	3
Prunes, the Hundred Weight	0	2	6
Quicksilver, the Pound	0	0	2
Quills, *viz.*			
—— Goose Quills, the Thousand	0	0	3
—— Swan Quills, the Thousand	0	4	8
Radix Contrayerva, the Pound	0	0	2
—— Ipecacuana, the Pound	0	0	4
—— Seneca, the Pound	0	0	1
—— Serpentaria, the Pound	0	0	1
Rags, fit only to make Paper, the Ton, containing 20 Hundred Weight	0	15	9
Raisins, *viz.*			
—— Denia Raisins, the Hundred Weight	0	1	4
—— Faro Raisins, the Hundred Weight	0	1	5
—— Lexia Raisins, the Hundred Weight	0	1	10
—— Lipra or Belvidere Raisins, the Hundred Weight	0	1	5
—— Smyrna Raisins, the Hundred Weight	0	0	10
—— Of the Sun, the Hundred Weight	0	2	9
—— Raisins not otherwise enumerated or described, the Hundred Weight	0	1	4
Red Wood. See Wood.			
Rhubarb, the Pound	0	0	8
Rice, the Hundred Weight	0	0	8
Rosin, the Hundred Weight	0	0	4
Rum. See Spirits.			
Saccarum Saturni, the Hundred Pounds	0	4	10
Safflower, the Hundred Weight	0	4	10
Saffron, the Pound	0	1	3
Sal Armoniac, the Pound	0	0	1
—— Succini, the Pound	0	0	2
—— Tartari, the Pound	0	0	1
Salop, the Pound	0	0	2
Salt Petre, the Hundred Weight	0	2	4
Sarsaparilla, the Hundred Pounds	0	6	0
Sassafras, the Hundred Weight	0	0	8
Sausages, the Pound	0	0	1
Scamony, the Pound	0	0	9
Scoops of Wood. See Wood.			
Seahorse Teeth, the Pound	0	0	2
Seeds, *viz.*			
—— Anniseed, the Hundred Weight	0	2	3
—— Canary Seed, the Hundred Weight	0	2	10
—— Carraway Seed, the Hundred Weight	0	0	9
—— Clover Seed, the Hundred Weight	0	2	9
—— Coriander Seed, the Hundred Weight	0	0	10
—— Cummin Seed, the Hundred Weight	0	1	6
—— Fennel Seed, the Hundred Pounds	0	3	0
—— Garden Seed, the Hundred Pounds	0	4	10
—— Lucern Seed, the Hundred Weight	0	3	0
—— Mustard Seed, the Hundred Weight	0	0	6
—— Onion Seed, the Hundred Weight	0	5	0
—— Rape Seed, the Quarter, containing Eight Bushels	0	1	5
Sena, the Pound	0	0	2
Shruff, the Hundred Weight	0	2	8
Shovels of Wood. See Wood.			
Shumack, the Hundred Weight	0	0	10

Silk,

INWARDS.	£.	s.	d.
Silk, *viz.*			
—— Knubs or Husks of Silk, the Pound, containing sixteen Ounces	0	0	1
—— Raw Silk of Turkey, the Pound, containing 16 Ounces	0	0	7
—— Raw Silk of any other Country, the Pound, containing 16 Ounces	0	0	8
—— Thrown Silk, the Pound, containing 16 Ounces	0	0	9
—— Waste Silk, the Pound, containing 16 Ounces	0	0	2
—— Wrought Silk, *viz.* Crapes or Tiffanies, the Pound, containing 16 Ounces	0	1	3
Skins, *viz.*			
—— Badger Skins, undressed, the Piece	0	0	3
—— Bear Skins, black, undressed, the Piece	0	1	0
—— —— White, undressed, the Piece	0	1	0
—— Beaver Skins, undressed, the Piece	0	0	3
—— Calabar or Squirrel Skins, undressed, the Timber of 40 Skins	0	0	9
—— Calve Skins, undressed, the Dozen	0	1	2
—— —— tanned, the Pound	0	0	1
—— Cat Skins, undressed, the 100 Skins	0	2	3
—— Coney Skins, undressed, the Dozen	0	0	2
—— Deer Skins, undressed, the Skin	0	0	2
—— Deer Skins, Indian, half dressed, the Skin	0	0	2
—— Dogfish Skins, undressed, the Dozen	0	1	0
—— Elk Skins, undressed, the Skin	0	0	7
—— Ermin Skins, undressed, the Timber, containing 40 Skins	0	1	6
—— Fisher Skins, undressed, the Piece	0	0	2
—— Fitches, undressed, the Timber of 40 Skins	0	1	8
—— Fox Skins (not Black), undressed, the Skin	0	0	3
—— Goat Skins, undressed, the Dozen	0	1	8
—— —— tanned, the Dozen	0	3	4
—— Hare Skins, undressed, the 120	0	3	0
—— Kid Skins, undressed, the Hundred Skins	0	3	10
—— —— dressed, the Hundred Skins	0	3	10
—— Lamb Skins, undressed, in the Wool, the 120	0	3	10
—— —— dressed in Alum, the 100 Skins	0	3	0
—— Slink Lamb Skins, in the Wool, the 120	0	0	8
—— Leopard Skins, undressed, the Piece	0	1	1
—— Lion Skins, undressed, the Piece	0	0	5
—— Martin Skins, undressed, the Timber, containing 40 Skins	0	4	4
—— Mink Skins, undressed, the Timber, containing 40 Skins	0	11	6
—— Otter Skins, undressed, the Piece	0	0	6
—— Panther Skins, undressed, the Piece	0	1	1
—— Racoon Skins, undressed, the 100 Skins	0	10	10
—— Seal Skins, undressed, the Skin	0	0	2
—— Sheep Skins, undressed, in the Wool, the Dozen	0	0	5
—— —— dressed, in Oil, the Dozen	0	0	2
—— —— otherwise dressed, the Dozen	0	0	8
—— Squirrel Skins. See Calabar Skins.			
—— Swan Skins, undressed, the Piece	0	0	3
—— Tyger Skins, undressed, the Piece	0	1	3
—— Weazel Skins, undressed, the 120	0	2	8
—— Wolf Skins, undressed, the Piece	0	0	6
Snuff, the Pound	0	0	1
Soap, *viz.* Hard Soap, the Hundred Weight	0	2	6
Spars. See Wood.			

INWARDS.	£.	s.	d.
Spirits, *viz.*			
—— Brandy, the Gallon	0	0	3
—— Geneva, the Gallon	0	0	2
—— Rum, the 100 Gallons	0	18	0
—— Spirits, not otherwise enumerated or described, the Gallon	0	0	3
Sponges, the Pound	0	0	4
Squilla, the Hundred Weight	0	0	4
Starch, the Hundred Weight	0	1	3
Staves. See Wood.			
Stavesacre, the Hundred Weight	0	4	8
Steel, *viz.*			
—— Gad Steel, the Hundred Weight	0	2	0
—— Long Steel, the Hundred Weight	0	1	10
Stock Fish, the Hundred and Twenty	0	0	3
Stones, *viz.*			
—— Basons, Tables, Mortars, and other polished Marble, the superficial Foot	0	0	4
—— Blocks of Marble, the solid Foot	0	1	1
—— Dog Stones, not exceeding Four Feet in Diameter, above Six Inches, and under Twelve Inches, in Thickness, the Last, containing Three Pair	0	6	4
—— Emery Stones, the Ton, containing Twenty Hundred Weight	0	2	0
—— Grave Stones of Marble, polished, the Foot Square, superficial Measure	0	0	10
—— Grave Stones of Marble, unpolished, the Foot Square, superficial Measure	0	0	2
—— Grave Stones not of Marble, the Foot Square, superficial Measure	0	0	2
—— Mill Stones, above Four Feet in Diameter, or if Twelve Inches in Thickness, or upwards, the Piece	0	12	1
—— Paving Stones, of Marble, rough or polished, the Foot Square, superficial Measure	0	0	1
—— Paving Stones, not of Marble, the 100 Feet Square, superficial Measure	0	1	0
—— Pumice Stones, the Ton, containing Twenty Hundred Weight	1	9	2
—— Quern Stones, large, Three Feet, and not above Four Feet in Diameter, and not exceeding Six Inches in Thickness, the Last, containing Three Pair	0	4	10
—— Quern Stones, small, under Three Feet in Diameter, and not exceeding Six Inches in Thickness, the Last, containing Three Pair	0	2	5
—— Slates, in Frames, the Dozen	0	0	3
—— Whetstones, the Hundred	0	0	4
Storax Calamita, the Pound	0	0	1
—— Liquida, the Pound	0	0	2
Sturgeon, the Keg	0	0	8
Succades, the Pound	0	0	2
Succus Liquoritiæ, the Hundred Weight	0	3	6
Tails, *viz.* Martin's Tails, undressed, the Hundred	0	0	1
Tallow, the Hundred Weight	0	1	10
Tamarinds, the Hundred Weight	0	1	0
Tar, the Last, containing 12 Barrels, each Barrel not exceeding 31½ Gallons	0	2	11
Terras, the Bushel	0	0	2
Thread, *viz.*			
—— Bridges Thread, the Dozen Pounds	0	7	10
—— Sisters Thread, the Pound	0	1	11

INWARDS.

	£.	s.	d.
Timber. See Wood.			
Tobacco, the Hundred Pounds	0	3	0
Tortoiseshell, the Pound	0	0	5
Trays of Wood. See Wood.			
Treenails. See Wood.			
Truffles, the Pound	0	0	3
Tubs of Wood. See Wood.			
Turmeric, the Hundred Pounds	0	2	9
Turpentine, Common, the Ton, containing 20 Hundred Weight	0	2	0
Twist, for Bandstrings, the Dozen Knots	0	0	3
Valonia, the Hundred Weight	0	0	11
Varnish, the Hundred Weight	0	0	9
Verdigrease, *viz.*			
——— Common, the Hundred Pounds	0	8	2
——— Crystallized, the Hundred Pounds	0	9	0
Vermillion, the Pound	0	0	4
Vinegar, the Ton, containing 252 Gallons	1	19	8
Vinelloes, the Pound	0	0	10
Umber, the Hundred Weight	0	0	7
Wainscot Logs. See Wood.			
Walnuts, the Bushel	0	0	4
Water, *viz. Pyrmont* Water, the Dozen Bottles or Flasks, not exceeding Three Pints	0	0	4
Wax, *viz.*			
——— Bees' Wax, White, or manufactured, the Hundred Weight	0	7	3
——— Unmanufactured, the Hundred Weight	0	5	9
Weld, the Hundred Weight	0	0	10
Whalefins, the Hundred Weight	0	1	9
Wine, *viz.*			
——— *French* Wine, the Ton, containing 252 Gallons	4	4	0
——— *Madeira* Wine, the Ton, containing 252 Gallons	3	3	0
——— *Rhenish, German, Hungary* Wine, the Ton, containing 252 Gallons	4	14	6
——— *Spanish, Portugal*, and all other Wines not otherwise enumerated, the Ton, containing 252 Gallons	2	2	0
Wire, *viz.*			
——— Brass or Copper Wire, the Hundred Weight	0	10	6
——— Virginal Wire of Brass or Copper, the Hundred Weight	0	2	0
——— Virginal Wire of Iron, the Hundred Weight	0	9	0
Woad, *viz.*			
——— Green Woad, the Hundred Weight	0	0	10
——— *Thoulouse* Woad, the Hundred Weight	0	1	0
Wood, *viz.*			
——— Anchor Stocks imported from any Part of *Europe*, the Piece	0	0	8
——— Balks, imported from any Part of *Europe, viz.*			
——— Five Inches Square, and under Eight Inches Square, or if Twenty-four Feet in Length or upwards, the 120	1	11	0
——— under Five Inches Square, and under Twenty-four Feet in Length, the 120	0	8	9
——— Battens imported from any Part of *Europe, viz.*			
——— Eight Feet in Length, and not exceeding Twenty Feet in Length, not above Seven Inches in Width, and not exceeding 2¼ Inches in Thickness, the 120	0	6	8

Wood,

INWARDS.

	£.	s.	d.
Wood, Battens exceeding Twenty Feet in Length, not exceeding Seven Inches in Width, or if exceeding 2¼ Inches in Thickness, the 120	0	13	4
——— Batten Ends imported from any Part of *Europe, viz.*			
——— under Eight Feet in Length, not above Seven Inches in Width, and not exceeding 2¼ Inches in Thickness, the 120	0	2	6
——— under Eight Feet in Length, not above Seven Inches in Width, and exceeding 2¼ Inches in Thickness, the 120	0	5	8
——— Beech Quarters imported from any Part of *Europe, viz.* under Five Inches Square, and under Twenty-four Feet in Length, the 120	0	5	4
——— Boards imported from any Part of *Europe, viz.*			
——— Clap Boards, not exceeding Five Feet Three Inches in Length, and under Eight Inches Square, the 120	0	7	10
——— Oak Boards, under Two Inches in Thickness, and under Fifteen Feet in Length, the 120	0	7	4
——— under Two Inches in Thickness, and if Fifteen Feet in Length, or upwards, the 120	0	14	8
——— Paling Boards, hewed on One Side, and not exceeding Seven Feet in Length, the 120	0	1	6
——— hewed on One Side, exceeding Seven Feet in Length, the 120	0	3	8
——— Pipe Boards, above Five Feet Three Inches in Length, and not exceeding Eight Feet in Length, and under Eight Inches Square, the 120	0	12	3
——— Scale Boards, the Hundred Weight	0	0	7
——— Wainscot Boards, the Inch or Foot, containing Twelve Feet in Length, and One Inch in Thickness	0	0	4
——— Box Wood, the Ton, containing Twenty Hundred Weight	0	19	3
——— *Brazil* Wood, the Ton, containing Twenty Hundred Weight	2	17	6
——— Braziletto Wood, the Ton, containing Twenty Hundred Weight	0	10	3
——— Cam-Wood, the Ton, containing Twenty Hundred Weight	1	3	4
——— Deals imported from any Part of *Europe, viz.*			
——— above Seven Inches in Width, exceeding Twenty Feet in Length, and not exceeding Four Inches in Thickness, the 120	2	15	0
——— above Seven Inches in Width, exceeding Twenty Feet in Length, and exceeding Four Inches in Thickness, the 120	4	14	2
——— above Seven Inches in Width, being Eight Feet in Length, and not above Twenty Feet in Length, and not exceeding 3¼ Inches in Thickness, the 120	0	11	3
——— not above Ten Feet in Length, and not exceeding 1¼ Inch in Thickness, the 120	0	5	0
——— Deal Ends, imported from any Part of *Europe, viz.*			
——— above Seven Inches in Width, being under Eight Feet in Length, and not exceeding 3¼ Inches in Thickness, the 120	0	4	8

Wood,

INWARDS.	£.	s.	d.
Wood, Deal Ends above seven Inches in Width, being under Eight Feet in Length, and exceeding 3½ Inches in Thickness, the 120 —	0	6	8
——— Ebony, the Ton, containing Twenty Hundred Weight — — — — —	0	12	9
——— Fire Wood, imported from any Part of *Europe, viz.*			
——— ——— The Fathom, Six Feet Wide, and Six Feet High — — — —	0	0	7
——— Fustic, the Hundred Weight — — —	0	0	9
——— Handspikes, imported from any Part of *Europe, viz.*			
——— ——— ——— under Seven Feet in Length, the 120	0	1	4
——— ——— ——— Seven Feet in Length, or upwards, the 120 — — —	0	1	4
——— Hoops for Coopers, imported from any Part of *Europe*, the 1000 — — — —	0	1	4
——— Knees of Oak, imported from any Part of *Europe, viz.*			
——— ——— ——— Five Inches Square, and under Eight Inches Square, the 120 —	0	11	5
——— ——— ——— ——— under Five Inches Square, the 120	0	2	5
——— Lath Wood, imported from any Part of *Europe, viz.*			
——— ——— ——— ——— in Pieces under Five Feet in Length, the Fathom Six Feet Wide, and Six Feet High — — —	0	3	9
——— ——— ——— ——— in Pieces Five Feet in Length, or upwards, the Fathom Six Feet Wide, and Six Feet High — — —	0	5	6
——— Lignum Vitæ, the Ton, containing 20 Hundred Weight	0	6	8
——— Log Wood, the Ton, containing 20 Hundred Weight	0	5	6
——— Mahogany, the Ton, containing 20 Hundred Weight	0	13	0
——— Masts imported from any Part of *Europe, viz.*			
——— ——— Six Inches in Diameter, and under Eight Inches, the Mast — — — —	0	0	8
——— ——— Eight Inches in Diameter, and under Twelve Inches, the Mast — —	0	1	4
——— ——— Twelve Inches in Diameter, or upwards, the Load, containing Fifty Cubic Feet — —	0	7	7
——— ——— of the Produce of, and imported from, any Part of the United States of *America, viz.*			
——— ——— ——— Six Inches in Diameter, and under Eight Inches, the Mast — — — —	0	0	8
——— ——— ——— Eight Inches in Diameter, and under Twelve Inches, the Mast — — —	0	1	4
——— ——— ——— Twelve Inches in Diameter, or upwards, the Load, containing Fifty Cubic Feet — —	0	7	7
——— Nicaragua Wood, the Ton, containing 20 Hundred Weight — — —	0	16	0
——— Oak Plank, imported from any Part of *Europe, viz.*			
——— ——— Two Inches in Thickness, or upwards, the Load, containing Fifty Cubic Feet — —	0	6	8
——— Oars imported from any Part of *Europe*, the 120	0	13	9
——— Platters imported from any Part of *Europe*, the dozen	0	0	3
——— Red or *Guinea* Wood, the Ton, containing 20 Hundred Weight — — —	1	6	0
——— Scoops imported from any Part of *Europe*, the Dozen	0	0	2
——— Shovels imported from any Part of *Europe*, the Dozen	0	0	2
——— Spars imported from any Part of *Europe, viz.*			
——— ——— ——— under Twenty-two Feet in Length, and under Four Inches in Diameter, exclusive of the Bark, the 120 — —	0	4	3

Wood,

INWARDS	£.	s.	d.
Wood, Spars Twenty-two Feet in Length, or upwards, and under Four Inches in Diameter, exclusive of the Bark, the 120 — —	0	3	7
——— Four Inches in Diameter, and under Six Inches, exclusive of the Bark, the 120 — —	0	17	10
——— ——— Six Inches in Diameter, or upwards. See Masts.			
——— Staves imported from any Part of *Europe, viz.*			
——— ——— not exceeding Thirty-six Inches in Length, not above Three Inches in Thickness, and not exceeding Seven Inches in Breadth, the 120 — —	0	1	9
——— ——— above Thirty-six Inches in Length, and not exceeding Fifty Inches in Length, not above Three Inches in Thickness, and not exceeding Seven Inches in Breadth, the 120 — —	0	3	5
——— ——— above Fifty Inches in Length, and not exceeding Sixty Inches in Length, not above Three Inches in Thickness, and not exceeding Seven Inches in Breadth, the 120 — —	0	4	9
——— ——— above Sixty Inches in Length, and not exceeding Seventy-two Inches in Length, not above Three Inches in Thickness, and not exceeding Seven Inches in Breadth, the 120 — —	0	6	4
——— ——— above Seventy-two Inches in Length, not above Three Inches in Thickness, and not exceeding Seven Inches in Breadth, the 120 — —	0	6	4
——— ——— of the Produce of, and imported from any Part of the United States of *America, viz.*			
——— ——— ——— not exceeding Thirty-six Inches in Length, not above Three Inches in Thickness, and not exceeding Seven Inches in Breadth, the 120 — —	0	0	9
——— ——— ——— above Thirty-six Inches in Length, and not exceeding Fifty Inches in Length, not above Three Inches in Thickness, and not exceeding Seven Inches in Breadth, the 120 — —	0	0	9
——— ——— ——— above Fifty Inches in Length, and not exceeding Sixty Inches in Length, not above Three Inches in Thickness, and not exceeding Seven Inches in Breadth, the 120 — —	0	1	3
——— ——— ——— above Sixty Inches in Length, and not exceeding Seventy-two Inches in Length, not above Three Inches in Thickness, and not exceeding Seven Inches in Breadth, the 120 — —	0	1	8
——— ——— ——— above Seventy-two Inches in Length, not above Three Inches in Thickness, and not exceeding Seven Inches in Breadth, the 120 — —	0	2	2
——— Timber, *viz.*			
——— ——— Fir Timber, *viz.*			
——— ——— ——— Eight Inches Square, and not exceeding Ten Inches Square, of the Growth of *Norway*, and imported directly from thence, the Load, containing Fifty Cubic Feet — —	0	1	8
——— ——— ——— exceeding Ten Inches Square, of the Growth of *Norway*, and imported directly from thence, the Load, containing Fifty Cubic Feet — —	0	2	0
——— ——— ——— Eight Inches Square, or upwards, imported from any other Part of *Europe*, the Load, containing Fifty Cubic Feet	0	2	2

INWARDS.	£.	s.	d.
Wood, Timber, Oak Timber, imported from any Part of *Europe, viz.*			
—— Eight Inches Square, or upwards, the Load, containing Fifty Cubic Feet —	0	4	6
—— Oak Timber, the Produce of, and imported from, any Part of the United States of *America, viz.*			
—— Eight Inches Square, or upwards, the Load, containing Fifty Cubic Feet	0	3	4
—— Trays of Wood, the Shock, containing Sixty	0	0	5
—— Trenails, the Thousand — —	0	2	0
—— Tubs of Wood, the Dozen — —	0	0	4
—— Wainscot Logs imported from any Part of *Europe, viz.* Eight Inches Square, or upwards, the Load, containing Fifty Cubic Feet	0	7	9
Wool, *viz.*			
—— Cotton Wool, of the Growth or Production of *Turkey*, the Hundred Pounds — —	0	7	10
—— of the Growth or Production of any Part of the United States of *America*, the Hundred Pounds —	0	7	10
—— of the Growth or Production of any of the *British* Colonies or Plantations, the Hundred Pounds — —	0	10	6
—— of the Growth or Production of any other Country or Place, the Hundred Pounds — —	0	15	0
—— Hare's Wool, the Hundred Pounds —	0	2	9
Wormseed, the Pound — — —	0	0	9
Yarn, *viz.*			
—— Cotton Yarn, the Hundred Pounds —	0	8	5
—— Mohair Yarn, the Pound — —	0	0	3
Yellow Berries, the Hundred Weight —	0	5	0
Zedoaria, the Pound — —	0	0	1
All other Goods, Wares, or Merchandize whatever, not herein particularly enumerated or described, not having been imported into *Great Britain* by the United Company of Merchants of *England* trading to the *East Indies*, and also except such Goods, Wares, and Merchandize which, by any special Provision in this Act, are exempt from the Duty hereby imposed, for every Hundred Pounds of the true and real Value thereof — — — —	3	12	0

TABLE B.

A TABLE of new and additional Duties payable on the Goods, Wares, and Merchandize, therein enumerated or described, having been imported into *Great Britain* by the United Company of Merchants of *England* trading to the *East Indies*, on the Importation thereof into *Ireland*.

INWARDS.	DUTY. £.	s.	d.
Callicoes, *viz.* Plain White Callicoes—Dimity, *viz.* Plain White Dimity—Muslins plain—Nanquin Cloth—Muslin or White Callicoes, flowered or stitched—Cotton Manufactures, not otherwise enumerated or described—for every Hundred Pounds, of the true and real Value thereof, according to the Gross Price at			

INWARDS.	£.	s.	d.
at which such Goods shall have been sold at the publick Sales of the United Company of Merchants of *England* trading to the *East Indies*, without any Deduction therefrom, except so much as the Duties due and payable on such Goods respectively shall amount to — — — —	3	12	0
Indigo, for every Hundred Pounds of the true and real Value thereof, according to the Gross Price at which it shall have been sold at the publick Sales of the United Company of Merchants of *England* trading to the *East Indies* — — — —	3	12	0
Cotton Wool, for every Hundred Pounds of the true and real Value thereof, according to the Gross Price at which it shall have been sold at the publick Sales of the United Company of Merchants of *England* trading to the *East Indies* — — —	4	16	0
Teas, for every Hundred Pounds of the true and real Value thereof, according to the Gross Price at which the same shall have been sold at the publick Sales of the United Company of Merchants of *England* trading to the *East Indies* — — —	3	10	0
Coffee, the Hundred Weight — — —	0	4	0
Cocoa Nuts, the Hundred Weight — —	0	3	4

TABLE C.

A TABLE of new and additional Duties payable on the Exportation from *Ireland* of the Goods, Wares, and Merchandize, therein enumerated or described.

OUTWARDS.	DUTY. £.	s.	d.
Goods, Wares, and Merchandize, of the Growth, Produce, or Manufacture, of *Ireland* (except such Goods, Wares, and Merchandize, which by any special Provision in this Act are exempt from the Duty hereby imposed) exported to any Part of *Europe*, or to any Port or Place within the Streights of *Gibraltar*, for every Hundred Pounds of the true and real Value thereof — — —	0	10	0
Goods, Wares, and Merchandize, of the Growth, Produce, or Manufacture, of *Ireland* (except such Goods, Wares, and Merchandize, which by any special Provision in this Act are exempt from the Duty hereby imposed), exported to any Port or Place whatever, not being in *Europe*, or within the Streights of *Gibraltar*, or within the Limits of the Charters granted to the United Company of Merchants of *England* trading to the *East Indies*, for every Hundred Pounds of the true and real Value thereof — — —	1	0	0

43. GEORGII III. Cap. XXIX.

An Act to revive and continue, until the First Day of March *One thousand eight hundred and six, an Act made in the Thirty-third Year of the Reign of His present Majesty, for establishing Courts of Judicature in the Island of* Newfoundland; *to continue several Laws relating to the preventing the clandestine Running of uncustomed Goods, and for preventing Frauds relating to the Customs, to the Twenty-ninth Day of* September *One thousand eight hundred and nine, and from thence to the End of the then next Session of Parliament; to the suspending certain countervailing Duties granted by an Act for carrying into Execution the Treaty with* America, *to the Twenty fifth Day of* March *One thousand eight hundred and four; to the allowing the Use of Salt, Duty free, in the preserving of Fish, in Bulk or in Barrels, and to the discontinuing the Bounty payable on White Herrings exported, to the Twenty-fifth Day of* March *One thousand eight hundred and four; to the Encouragement of the Trade and Manufactures of the* Isle of Man, *to the improving the Revenue thereof, and the more effectual Prevention of Smuggling to and from the said Island, to the Fifth Day of* July *One thousand eight hundred and four; to the more effectual Encouragement of the Manufactures of Flax and Cotton in* Great Britain, *to the Twenty-fourth Day of* June *One thousand eight hundred and six; to the importing Salt from* Europe *into the Province of* Quebec, *in* America, *to the Twenty-fourth Day of* June *One thousand eight hundred and eight, and from thence to the End of the then next Session of Parliament; to the free Importation of Cochineal and Indigo, to the Twenty-ninth Day of* September *One thousand eight hundred and five, and from thence to the End of the then next Session of Parliament; to the preventing the clandestine Running of Goods, and the Danger of Infection thereby, to the Twenty-ninth Day of* September *One thousand eight hundred and nine, and from thence to the End of the then next Session of Parliament; to the Encouragement of the Silk Manufactures, to the Twenty-fourth Day of* June *One thousand eight hundred and eight, and from thence to the End of the then next Session of Parliament; to the Duties on Spirits made in* Scotland, *and imported into* England, *to the First Day of* December *One thousand eight hundred and nine, and from thence to the End of the then next Session of Parliament; and to the encouraging the Growth of Coffee in His Majesty's Plantations in* America, *to the Twenty-fourth Day of* June *One thousand eight hundred and nine, and from thence to the End of the then next Session of Parliament.* [25*th March* 1808.]

WHEREAS the Law herein-after mentioned has, by Experience, been found useful and beneficial, and it is expedient that the same should be revived, and further continued; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That an Act, made in the Thirty-third Year of the Reign of His present Majesty, intituled, *An Act for establishing Courts of Judicature in the Island of* Newfoundland, *and the Islands adjacent*, which by several Acts of the Thirty-fourth, Thirty-fifth, Thirty-sixth, Thirty-ninth, and Thirty-ninth and Fortieth Years of the Reign of His present Majesty, was further continued until the First Day of *March* One thousand eight hundred and three, shall, from and immediately after the said First Day of *March* One thousand eight hundred and three, be revived, and the same is hereby revived, and shall continue in full Force and Effect from and immediately after the said First Day of *March* One thousand eight hundred and three, until the First Day of *March* One thousand eight hundred and six.

33 *Geo.* III. c. 76 revived and further continued till *March* 1, 1806.

II. And whereas the Laws herein-after mentioned, have, by Experience, also been found useful and beneficial, and it is expedient that the same should be further continued; be it therefore further enacted, That the several Clauses in an Act made in the Fifth Year of the Reign of His Majesty King *George* the First, intituled, *An Act against clandestine Running of uncustomed Goods, and for the more effectual preventing of Frauds relating to the Customs*, relating to such Foreign Goods, Wares, and Merchandize, as shall be taken in at Sea out of any Ship or Vessel, in

The Clauses of 5 *Geo.* I. c. 11. relating to the Matters herein specified, further continued till *Sept.* 29, 1809, &c.